

Also, a bill (H. R. 6423) granting an increase of pension to John Williams; to the Committee on Invalid Pensions.

By Mr. MCANDREWS: A bill (H. R. 6424) granting a pension to Fredericke Schnert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6425) granting a pension to R. Mandana Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6426) to amend the military record of Carlos Baker; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 6427) granting an increase of pension to Charles L. Konollman; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6428) granting an increase of pension to Lyman D. Bogue; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 6429) for the relief of Bridget McGrane; to the Committee on Claims.

By Mr. SHARP: A bill (H. R. 6430) granting an increase of pension to Jennette A. Wickham; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 6431) to pay Isaac W. Airey for services rendered to the United States Army during the late Civil War; to the Committee on War Claims.

By Mr. WHITACRE: A bill (H. R. 6432) granting a pension to Harrison P. Taylor; to the Committee on Invalid Pensions.

By Mr. HOWARD: Resolution (H. Res. 186) to appoint W. H. Bell a special officer to serve in and about the House Office Building; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of the Sykes-Horn and 9 other merchants of Canal Dover, Ohio, favoring a change in the interstate-commerce laws; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petition of 78 citizens of Lincoln and Flathead Counties, Mont., praying for the settlers of that section under the homestead laws; to the Committee on the Public Lands.

Also, petition of the St. Louis Lumbermen's Club, protesting against legislation to divorce industry from transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of the South Side Motor Boat Club, of St. Louis, Mo., favoring the passage of the bill licensing power boats; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Missouri Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of 78 citizens of Lincoln and Flathead Counties, Mont., praying for a speedy congressional investigation of the Forestry Department and the alleged Lumber Trust in that section; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of the Pierre Commercial Club, Pierre, S. Dak., favoring the passage of legislation making an appropriation for the purpose of building diplomatic and consular buildings, etc., in all foreign countries; to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: Petition of sundry citizens of Emporia, Kans., protesting against the passage of House bill 33, relative to a committee on public health; to the Committee on Rules.

By Mr. DYER: Petition of sundry business firms of the State relative to a committee on public health; to the Committee on the Post Office and Post Roads.

Also, petition of State of Missouri, department of education, favoring passage of Senate joint resolution 5, relating to appointment of a commission by the President to study the educational problem; to the Committee on Agriculture.

Also, petition of the Lumbermen's Club of St. Louis, Mo., relative to the Stanley bill to separate industry from transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: Petition of sundry citizens of Springfield, Ill., protesting against free cigars from the Philippines; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: Petition of sundry citizens of Pennsylvania, favoring the passage of legislation to investigate the control of credit; to the Committee on Banking and Currency.

By Mr. PROUTY: Petition of sundry citizens of Winterset, Carlisle, Indianola, Ames, Ankeney, Cambridge, Dallas, Center,

Elkhart, Granger, Grimes, Huxley, Kelley, Minburn, Nevada, Perry, Polk City, Sheldahl, Slater, Woodward, all in the State of Iowa, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Bondurant, Conger, and Orillia, all in the State of Iowa, favoring the passage of legislation granting additional compensation to railroads for carrying the mails; to the Committee on the Post Office and Post Roads.

By Mr. SHARP: Petition of Cigar Makers' International Union of America, Local Union No. 86, Mansfield, Ohio, protesting against any increase of internal-revenue tax on cigars; to the Committee on Ways and Means.

Also, petition of the Amalgamated Lace Operators of America, Branch No. 17, Elyria, Ohio, protesting against any reduction in the present rate of duty on Nottingham laces; to the Committee on Ways and Means.

By Mr. TUTTLE: Petition of the board of health of the State of New Jersey, favoring the establishment of a committee on public health; to the Committee on Rules.

By Mr. YOUNG of Texas: Petition of sundry citizens of the third congressional district of Texas, favoring the passage of House bill 5308, relative to changing the interstate-commerce laws; to the Committee on the Judiciary.

#### SENATE.

THURSDAY, June 26, 1913.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a schedule of books, papers, and so forth, on the files of the office of the Auditor for the Post Office Department which are not needed in the transaction of public business and have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment of the committee.

#### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Edward D. Meier v. United States (S. Doc. No. 115); and James N. Hill, sole heir and representative of Joshua Hill, deceased, v. United States (S. Doc. No. 116).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 1967) regulating the manufacture of smoking opium within the United States, and for other purposes, in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the Brandle & Smith Co., of Philadelphia, Pa.; the Commercial Club of La Grande, Oreg.; and the Lovell & Covel Co., of Boston, Mass., praying for the exemption of organizations not organized for profit from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

He also presented petitions of Cora Pincott, of Buffalo, N. Y.; R. L. Walker, of Carnegie, Pa.; of the Illinois Federation of Women's Clubs; the League of American Sportsmen of New York; and of the fish and game commissioners of New Jersey, praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

Mr. SHERMAN presented a petition of the congregation of the Methodist Episcopal Church of Ravenswood, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Springfield, Ill., remonstrating against the importation of cigars free of duty from the Philippine Islands, which was referred to the Committee on Finance.

#### IMPORTATION OF PLUMAGE OF WILD BIRDS.

Mr. GALLINGER. I have a most interesting letter from Dr. W. T. Hornaday, director of the New York Zoological Park, in reference to a so-called feather provision in the Underwood tariff bill. I ask unanimous consent that the letter with the accompanying memorandum may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter and accompanying memorandum were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NEW YORK ZOOLOGICAL SOCIETY,  
NEW YORK ZOOLOGICAL PARK,  
New York, June 19, 1913.

Hon. JACOB H. GALLINGER,  
United States Senate.

DEAR SIR: The New York Zoological Society strongly protests against the adoption of the feather millinery trade's amendment to the clause in the tariff bill—Schedule N, paragraph 357—which is designed to prohibit the importation of the plumage of wild birds for milliners' use. We ask you to vote against all amendments that have been or that may be offered to the bird protective clause now in the bill.

There are now on file with your Finance Committee briefs which show that the milliners' amendment, harmless in outward appearance, will, if adopted, keep open our doors to the commercial use of the plumage of hundreds of species of the most important birds of the world. The list will include many song birds killed as food, and offer a premium on the destruction of each species that is desired by the feather trade. The surest way to exterminate any species of bird or quadruped is by putting a price on the heads of its members.

We denounce the milliners' amendment as dangerous and destructive to the birds of the world. We insist that it is contrary to the wishes of 99 per cent of all the American people who have paid attention to this subject. We condemn it because there is not one good and sufficient reason why it should prevail.

We oppose it because the cruel slaughter of wild birds for money profit has become utterly repulsive and intolerable. The fact that the feather trade "wants the money" is no justification for wild-bird slaughter.

We have pointed out that hand embroidery easily can be made to take the place of feather ornaments for women's hats, and furnish employment for a far larger number of working people than now are occupied in arranging feathers. The rapidity with which embroidery is now coming into use on women's hats proves that our contention on this point is well founded.

We ask you to vote against the feather trade's amendment both in the caucus and on the floor of the Senate and prevent its adoption. We feel that the wishes of 24 New York millinery firms should not prevail against the wishes of the millions of American people who now strongly desire to stop the slaughter of wild birds for the money to be derived by traffic in their plumage.

Respectfully submitted.

HENRY FAIRFIELD OSBORN,  
President New York Zoological Society.  
MADISON GRANT,  
Chairman Executive Committee.  
W. T. HORNADAY,  
Director New York Zoological Park,  
Author of Our Vanishing Wild Life.

WHAT THE FEATHER TRADE'S "AMENDMENT" REALLY MEANS TO THE BIRDS OF THE WORLD—2,342 SPECIES OF BIRDS INVOLVED, NOT COUNTING ANY SONG BIRDS KILLED AS "FOOD" OR AS "PESTS."

A small and innocent-looking "amendment" to the clause in the new tariff bill prohibiting the importation of wild birds' plumage for milliners' use is now before the United States Senate (Schedule N, sec. 357). Already the majority of the Senate Finance Committee has approved it—it looks so harmless and reasonable!

It provides that the feather trade shall have the right to import the feathers of all birds killed as "game" for food, and of all birds killed because they are "pests." As a matter of fact, there is no commercial product consisting of the feathers of hawks and owls that have been shot because they are "pests." But, for the moment, we will pass that point.

Let us proceed in this matter with our eyes wide open. How many species of foreign "game" birds and "pest" birds would be subject to slaughter for the feather trade in case that "amendment" prevails and finally is enacted into law?

#### A LIST OF THE SPECIES ENDANGERED.

(Prepared by Lee S. Crandall, assistant curator of birds, New York Zoological Park, from the British Museum Catalogue of Birds.)

Game birds of the world, exclusive of the United States.

	Species.
Tinamous	71
Upland game birds:	
Megapodes, or brush turkeys	28
Curassows, guans, and chachalacs	59
Ptarmigan and grouse	26
Old World partridges and quail	153
Pheasants	92
Jungle fowl	4
Peafowl	3
Guinea fowl	23
Turkeys	1
New World quail	59

	Species.
Hemipodes or button quail	27
Sand grouse	15
Pigeons and doves	540
Rails and gallinules	195
Shore birds	242
Cranes and their allies	30
Ducks, geese, and swans	54

Total 1,622  
"Pest" birds of the world, exclusive of the United States.

Eagles, hawks, kites, and falcons	437
Owls	283

Total 720

Grand total of species available under the amendment demanded by the feather trade 2,342

No wonder the feather trade is satisfied with their little three-line amendment!

Now the question is: Are the American people and the Senators of the United States willing to leave the 2,342 species of birds listed above subject to slaughter by the head-hunters of the feather trade?

The way to preserve the birds of the world is to stop the killing of them! W. T. HORNADAY.

NEW YORK ZOOLOGICAL SOCIETY, June 20, 1913.

W. D. McLEAN.

Mr. KENYON, from the Committee on Military Affairs, to which was referred the bill (S. 1829) for the relief of W. D. McLean, alias Donald McLean, reported it without amendment and submitted a report (No. 69) thereon.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 2617) granting an increase of pension to Isabel T. Congo (with accompanying paper);

A bill (S. 2618) granting an increase of pension to Elizabeth Hartleben (with accompanying paper); and

A bill (S. 2619) granting an increase of pension to Samaria Liddle (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 2620) for the relief of the estate of John I. Adair;

A bill (S. 2621) for the relief of the estate of Robert Ayres and others;

A bill (S. 2622) for the relief of Adalena Ripley; and

A bill (S. 2623) for the relief of the estate of Robert H. Montgomery; to the Committee on Claims.

A bill (S. 2624) granting an increase of pension to George Lindsay (with accompanying papers);

A bill (S. 2625) granting an increase of pension to John Haines (with accompanying papers); and

A bill (S. 2626) granting an increase of pension to George C. Willis (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2627) granting an increase of pension to Otto Weber; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2628) granting an increase of pension to Allison W. Pollard (with accompanying paper); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 2629) for the relief of John J. Brereton and others; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 2630) for the relief of Clarence Hazelbaker; to the Committee on Indian Affairs.

A bill (S. 2631) granting an increase of pension to Abel Williams (with accompanying papers);

A bill (S. 2632) granting an increase of pension to Jonathan R. Thomas (with accompanying papers); and

A bill (S. 2633) granting an increase of pension to Emma Sickler (with accompanying paper); to the Committee on Pensions.

By Mr. BRYAN:

A bill (S. 2634) granting an increase of pension to A. Fannie Prevatt (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2635) granting an increase of pension to Frances E. Brown; and

A bill (S. 2636) granting a pension to Fannie S. Douglass; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2637) to waive the age limit for admission to the Pay Corps of the United States Navy for four years in the case of Paymaster's Clerk Henry Guilmette; to the Committee on Naval Affairs.

A bill (S. 2638) for the relief of the heirs or estate of Samuel Tucker, deceased; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 2639) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. JOHNSON of Maine:

A bill (S. 2640) waiving the age limit for appointment as assistant paymaster in the United States Navy in the case of Paymaster's Clerk George W. Masterton, United States Navy; to the Committee on Naval Affairs.

A bill (S. 2641) granting an increase of pension to James Rolfe (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2642) for the relief of the estate of Thomas Britton, deceased; to the Committee on Military Affairs.

By Mr. SMITH of South Carolina:

A bill (S. 2643) directing the Secretary of the Treasury to deposit in the banks of the cotton-growing States the amount of money now held in the Treasury accruing from the sale of seized cotton; also the amount of money collected on cotton as a revenue tax; to the Committee on Agriculture and Forestry.

By Mr. O'GORMAN:

A bill (S. 2644) for the relief of Frank E. Garrett and others; to the Committee on Claims.

A bill (S. 2645) for the relief of William E. Farrell; to the Committee on Naval Affairs.

By Mr. FLETCHER:

A bill (S. 2646) to provide for a site and the erection of a public building at Starke, Fla. (with accompanying paper); to the Committee on Public Buildings and Grounds.

(By request.) A bill (S. 2647) for the relief of A. Purdee; to the Committee on Public Lands.

By Mr. SHIVELY:

A bill (S. 2648) granting an increase of pension to Jesse Merical; and

A bill (S. 2649) granting an increase of pension to Joseph Thornberg (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 2650) authorizing and directing the Secretary of the Interior to deposit funds belonging to Indian tribes in Oklahoma in the banks of said State; to the Committee on Indian Affairs.

By Mr. BRYAN (by request):

A joint resolution (S. J. Res. 52) to authorize the appointment of Thomas Green Peyton as a cadet in the United States Military Academy; to the Committee on Military Affairs.

By Mr. BRADLEY:

A joint resolution (S. J. Res. 53) authorizing the delivering to the town of Somerset, Ky., of one condemned bronze or brass cannon or fieldpiece with carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. SMITH of Georgia:

A joint resolution (S. J. Res. 54) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913; to the Committee on Military Affairs.

#### THE TARIFF.

Mr. JONES. I submit an amendment intended to be proposed to the pending tariff bill. I should like very much to have it referred to the Democratic caucus, but I am unable to find anything in the rules permitting such a reference. So I move that it be printed and referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 3321) to reduce tariff duties and provide revenue for the Government, and for other purposes, which was referred to the Committee on Finance, and ordered to be printed.

#### EGYPTIAN COTTON (S. DOC. NO. 113).

Mr. FLETCHER. I have a copy of a report by J. S. Williams, chairman, and Clarence Ousley, subcommittee to study the production and marketing of Egyptian cotton, made to the American commission to investigate such agricultural credit and cooperation. It is estimated that the cost for printing the report will be about \$30.74. I ask that it be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

#### FREDERICK WILLIAM RAIFFEISEN (S. DOC. NO. 114).

Mr. FLETCHER. I have a copy of an address by David Lubin, delegate of the United States to the International Institute of Agriculture, delivered before the American commission on the occasion of its visit to the monument and house of Raiffeisen, the father of the rural-credit system, near Coblenz, Germany, June 12, 1913. The estimate furnished for the printing of this address is \$17.86. I ask that it be printed as a public document.

The VICE PRESIDENT. Without objection, it is so ordered.

#### STATUE OF ZACHARIAH CHANDLER.

Mr. GALLINGER (for Mr. SMITH of Michigan) submitted the following concurrent resolution (S. Con. Res. 4), which was ordered to lie on the table and be printed:

*Resolved by the Senate (the House of Representatives concurring), That the statue of Zachariah Chandler, presented by the State of Michigan to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.*

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Michigan.

Mr. GALLINGER (for Mr. SMITH of Michigan) submitted the following concurrent resolution (S. Con. Res. 5), which was ordered to lie on the table and be printed:

*Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Zachariah Chandler, presented by the State of Michigan, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Michigan.*

#### COTTON STATISTICS.

Mr. LIPPITT submitted the following resolution (S. Res. 120), which was read, considered by unanimous consent, and agreed to:

*Resolved, That the Secretary of Commerce be directed to furnish, for the use of the Senate, detailed information:*

First. To show how the figures referring to cotton goods in the table on page 39 of the report of the Department of Commerce entitled "Foreign Tariff Systems and Industrial Conditions" were obtained; and

Second. To establish, if possible, the correctness of the statements that it takes 504 horsepower in the United States to add the same value to cotton goods as 114 horsepower does in the United Kingdom, and that 47 wage earners in the United States add as much to the value of cotton goods as 255 do in the United Kingdom.

#### SENATE FOLDING ROOM.

Mr. OVERMAN. I submit a resolution which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 121) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved, That the Sergeant at Arms of the Senate be, and he is hereby, authorized to continue to rent for a period not to exceed 12 months from July 1, 1913, and at a rental not to exceed the sum now being paid, the warehouse now occupied as storage rooms for the folding room of the Senate on B Street SW., the expense thereof to be paid out of the contingent fund of the Senate.*

Mr. OVERMAN. I desire to have the accompanying letter read.

There being no objection, the letter was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

SENATE OF THE UNITED STATES,  
SERGEANT AT ARMS,  
June 26, 1913.

HON. LEE S. OVERMAN,

Chairman Committee on Rules, United States Senate.

DEAR SENATOR: The lease on warehouse used as Senate folding room, located at First and B Streets SW., expires on June 30, 1913.

It has been impossible to comply with the law requiring vacation of said building by that time, for the following reasons:

None of the old buildings located in blocks lately purchased by the Government could store the immense volume of documents in the warehouse, and further, this is in conflict with another section of the law that provides for the demolishing of all buildings in these blocks, beginning July 1, 1913. The Senate Office Building has not available space sufficient to store the same, and until such time as the large surplus can be disposed of I recommend that the occupancy of warehouse be continued.

I find that there are 461,214 miscellaneous documents and pamphlets, in sets and single volumes, old, and to the credit of no one—much of the stock consisting of old departmental reports, dating as far back as 1870.

There are over 350,000 old documents remaining to the credit of Senators, which have either been overlooked or are valueless.

The Government Printing Office has over 300,000 documents to deliver to the Senate, and there is no available room for storing the same in this warehouse.

I understand that there are 110,000 Yearbooks alone to be delivered. The above is respectfully submitted for your information and consideration.

Very respectfully,

CHARLES R. HIGGINS,  
Sergeant at Arms United States Senate.

## DISPOSITION OF DOCUMENTS.

Mr. OVERMAN. I introduce a resolution bearing on this subject and ask that it be referred to the Committee on Rules.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 122) was read as follows:

*Resolved*, That certain old documents and pamphlets now in the Senate folding room known as "surplus documents" and not credited to the account of any Senator shall be disposed of under the direction of the Sergeant at Arms as follows:

First. From a schedule thereof to be furnished by the Sergeant at Arms each Senator shall be entitled to select and distribute such of said documents and pamphlets as he may desire, the same to be taken from the Senate folding room within a period of six months from the date of the adoption of this resolution. At the expiration of that period of time the Sergeant at Arms is hereby authorized to dispose of the residue of said documents to the several executive departments, bureaus, offices, and commissions of the Government which may desire the same, or to sell the same as waste paper, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That said surplus documents and pamphlets shall be subject to the order of Senators in the order in which applications therefor are filed with the Sergeant at Arms.

Second. That certain obsolete documents and pamphlets in the folding room, described in a schedule prepared under the direction of the Sergeant at Arms now to the credit of Senators and which are seldom drawn upon and for which there is little demand, be disposed of under the direction of the Sergeant at Arms as follows: At the expiration of eight months from the date of the adoption of this resolution such of the said documents and pamphlets as are not disposed of and taken from the folding room by the Senators to whom they are credited shall be disposed of by the Sergeant at Arms to the several executive departments, bureaus, offices, and commissions of the Government or be sold as waste paper, the proceeds thereof to be deposited in the Treasury in the manner provided by law: *Provided*, That none of the documents and pamphlets provided to be disposed of by this resolution shall be hereafter returned to the Senate folding room from any source.

Mr. SMOOT. I ask the Senator from North Carolina to allow the resolution to go to the Committee on Printing, and I will state briefly why.

Mr. OVERMAN. I have no objection to the reference of the resolution to that committee.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The resolution will be referred to the Committee on Printing.

Mr. GALLINGER. Before the reference is made I am going to suggest that it might be well if it were enlarged so that the Sergeant at Arms might communicate with each Senator and ask what documents to his credit he is willing to surrender.

Mr. OVERMAN. That the resolution provides for.

Mr. GALLINGER. It does provide for it?

Mr. OVERMAN. It provides that each Senator shall be consulted, and also that a catalogue of the documents shall be made and a statement submitted to each Senator, and that the documents Senators do not desire shall be sold as waste paper.

Mr. GALLINGER. That is very proper, because I know I have more than a thousand documents that I should like to get rid of.

Mr. SMOOT. I wish to say to the Senator, however, there are only about a million documents now, and we have this same matter occurring every two or three years. We have had thousands of tons of these documents sold as waste paper. If we could only get the other House to act upon the printing bill which the Senate has already passed, every particle of this difficulty would be obviated.

## WOMAN SUFFRAGE PARADE.

Mr. THOMAS submitted the following resolution (S. Res. 124), which was read and referred to the Committee on Printing:

*Resolved*, That 10,000 additional copies of the hearings before the Senate Committee on Woman Suffrage be printed for the use of Senators.

## HEIRS OF ANGELO ALBANO (H. DOC. NO. 105).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a report from the Secretary of State in relation to the case of Angelo Albano, an Italian subject, who, on September 20, 1910, was, while in custody on a charge of crime at Tampa, Fla., seized by an armed mob and killed; and I recommend that, as an act of grace and without reference to the question of the liability of the United States, Congress make suitable provision for the heirs of the Italian subject thus killed, the proceeds to be distributed by the Italian Government in such manner as it may deem proper.

WOODROW WILSON.

THE WHITE HOUSE, June 26, 1913.

## HOUSE BILL REFERRED.

H. R. 1967. An act regulating the manufacture of smoking opium within the United States, and for other purposes, was

read twice by its title and referred to the Committee on Finance.

## INDIAN APPROPRIATION BILL.

Mr. STONE. I submit a report of the committee of conference on House bill 1917, the Indian appropriation bill.

The Secretary proceeded to read the report.

Mr. STONE. Mr. President, after the conference report on the Indian appropriation bill was agreed upon, it was left to some secretaries and clerks to write it up and to prepare it. I have just been informed that by some oversight one of the items has been left out. I apologize to the Senate, and ask to withdraw the report for the time being, that the item to which I refer may be inserted.

The VICE PRESIDENT. The report is withdrawn.

## LEGISLATIVE DRAFTING BUREAU.

Mr. OWEN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. CLARK of Wyoming. Let the bill be read for information.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The Committee on the Library report to strike out all after the enacting clause and to insert:

That there is hereby created a bureau to be known as the legislative drafting bureau.

SEC. 2. That the said bureau shall be under the direction of an officer, to be known as the chief draftsman, to be appointed by the President of the United States, by and with the advice and consent of the Senate, without reference to party affiliations, and solely on the ground of fitness to perform the duties of the office. He shall receive a salary of \$7,500 per annum, and shall hold office for the term of 10 years unless sooner removed by the President upon the recommendation of the Judiciary Committees of both Houses of Congress, acting jointly.

SEC. 3. That there shall be in said bureau such assistants as Congress may from time to time provide. They shall be appointed by the chief draftsman solely with reference to their fitness for their particular duties.

SEC. 4. That public bills, or amendments to public bills, shall be drafted or revised by the said bureau on request of the President, any committee of either House of Congress, or of 8 Members of the Senate or of 25 Members of the House of Representatives. The Judiciary Committees of both Houses of Congress acting jointly may, from time to time, prescribe rules and regulations for the conduct of the said bureau, including provision for drafting and revision upon such other requests as may be deemed advisable.

SEC. 5. That the chief draftsman shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the said bureau, and shall make to Congress at the beginning of each regular session a report as to the affairs of the said bureau for the preceding fiscal year, which shall include a detailed statement of appropriations and expenditures.

SEC. 6. That the Librarian of Congress is authorized and directed to establish in the Library of Congress a division to be known as the legislative reference division of the Library of Congress, and to employ competent persons therein to gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, to render such data serviceable to Congress and committees and Members thereof and to the legislative drafting bureau, and to provide in his annual estimates for the compensation of such persons, for the acquisition of material required for their work, and for other expenses incidental thereto.

The VICE PRESIDENT. The Senator from Oklahoma asks unanimous consent for the present consideration of the bill.

## INDIAN APPROPRIATION BILL.

Mr. STONE. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I yield to the Senator.

Mr. STONE. I desire to present the conference report on the Indian appropriation bill.

The VICE PRESIDENT. The Chair would inquire whether the Senator from Missouri desires to have the conference report reread or whether the particular omitted item can be pointed out to the Secretary and that be read?

Mr. STONE. I would be perfectly satisfied if I could have consent to have the complete report printed in the RECORD.

Mr. GALLINGER. Does the Senator from Missouri ask that the conference report be considered to-day?

Mr. STONE. I shall ask to have it considered now.

Mr. GALLINGER. As the report was read it occurred to me that it contained a great deal of new matter that had not heretofore been considered by either House. I may be mistaken about that, but, if that be so, I think we ought to have the privilege of looking at the report.

Mr. STONE. I do not think there is very much new matter in the report. There are very slight increases in the appropriation.

Mr. GALLINGER. Of course, the Senator from Missouri is aware of the fact that under the rule of the Senate there ought to be no new matter in a conference report.

Mr. STONE. Does the Senator mean new matter in the appropriation bill?

Mr. GALLINGER. I refer to any new matter that has not been considered heretofore by either of the two Houses of Congress.

Mr. STONE. I had supposed that if the Senate desired to increase an appropriation or to decrease an appropriation it could do so, and I had supposed that even if other matters, legislative in their character, had been agreed to in the Senate and referred to the committee of conference, that committee would have jurisdiction to take up those amendments and to dispose of them even by way of amendment.

Mr. GALLINGER. Mr. President, I fear the Senator from Missouri misunderstood me. What I meant to suggest was that matter not heretofore considered and incorporated in the House bill or put into the bill as an amendment in the Senate could not properly, under our rules, be incorporated in a conference report, and I stated that I feared that there was a good deal of such matter in the Senator's conference report.

Mr. STONE. Does the suggestion of the Senator from New Hampshire go to the point of supposing that the conference committee has inserted in their report entirely new matter in no wise connected with the bill as it was sent to them?

Mr. GALLINGER. I should consider that it was altogether irregular and beyond the power of the conference committee to do that.

Mr. STONE. The conference committee has done nothing of that kind, I will say to the Senator. No new matter not considered either in the House or in the Senate has been introduced. There have been some little changes in clauses that were referred to the conference committee; that is to say, the House would recede or the Senate would recede with an amendment.

Mr. GALLINGER. That undoubtedly is entirely proper if the amendment was not entirely original matter.

Mr. STONE. I think I feel warranted in assuring the Senator that there has been introduced no new matter not entirely appropriate.

Mr. GALLINGER. I am not going to be insistent or technical about the matter; but as the report was being read I caught a list of the salaries or appropriations for some purpose that occurred to me had not heretofore been considered. Am I correct as to that?

Mr. STONE. I do not know to just what the Senator refers. There is nothing of that kind, so far as I know.

Mr. GALLINGER. I appreciate the importance of having action on this bill, and, upon the statement made by the Senator from Missouri that I am laboring under a misapprehension in that regard, I will not object to the present consideration of the conference report.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. LANE. Mr. President, I do not wish to delay the passage of the bill. I wish to make a correction of an error that I committed when the bill was last under consideration in the Senate, when I characterized the first item of appropriation in the bill as covering a deficiency. In this I was mistaken. The deficit, it seems from the report, occurred in that item the year before. The report and the justification which were handed to the committee this year to accompany the bill in their consideration of that measure called attention, in a small way, to another deficit which exists in the appropriation of \$300,000, amounting to one-third thereof. So far as I can ascertain from reading the report, there is no mention made of the matter; and I wish to call attention to the irregularity, to say the least, of the Senate providing for deficits in current appropriations without having full information concerning such deficiencies and the assumption of legislative authority by the executive department in appropriating money from the public funds without authority from the legislative branch of the Government to do so. It may be necessary, and at times it may be the wise thing, perhaps, for the department to act in this way, but it should not do so without giving Congress full and detailed justification concerning the matter.

The item to which I refer will be found upon page 33 of the report of a hearing held on December 2, 1912, before a subcommittee of the Committee on Indian Affairs of the House of Representatives, and has to do with the present appropriation providing for purchase and transportation of Indian supplies. Matters are urgent. The necessity for these appropriations is actually existent. I am not trying to interfere with the passage of the bill, but I do want to call attention to what seems to me to be a sort of carelessness which has grown up upon the part of certain departments of the executive branch of the Government, in that they do not do full justice or courtesy to the legislative branch in the way of giving the legislative branch full information concerning the necessity for the appropriation

of public funds. I consider such information to be a matter of vital importance and absolutely necessary. I say this in no spirit of criticism of any Member of the Senate or House or of the Indian Committee; yet it seems almost to have grown into a custom, for I find traces of it in several different appropriations.

I make this statement to correct an error which I made the last time we discussed the bill, and to call the attention of this body to the necessity of demanding full justification for all appropriations, more particularly of expenditures which have been made without authority. Appropriations covering deficits should specifically state that they are made for that purpose.

Mr. STONE. Mr. President, has the Senate entered upon the consideration of the conference report?

The VICE PRESIDENT. The Chair so understands. There was no objection.

Mr. FALL. Mr. President, I shall not make any objection to the consideration of the conference report. I understand that a portion of it has been read. I should like to ask for information as to two items, one Senate amendment 28 and the other Senate amendment 29, on page 53 of the Senate print. I should like to know, for my own information, just what was done in regard to those items, and what sums they now contain.

Mr. STONE. As to those items, amendments 28 and 29, the Senate conferees receded.

Mr. FALL. And the action of the House still stands as it was? Mr. President, I am willing to take any responsibility that is necessary for my own—

Mr. STONE. If the Senator will allow me to interrupt him for a moment, the Senate conferees receded with an amendment.

Mr. FALL. The usual procedure, of course, would be to have this conference report printed. There will not be many more bills passed in this way, Mr. President.

Mr. STONE. Amendment No. 28 is as follows:

For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, \$68,600; for general repairs and improvements, \$5,000; new buildings, \$15,000; in all, \$88,600.

Mr. FALL. And as to 29?

Mr. STONE. Amendment 29 is as follows:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, \$51,900; for general repairs and improvements, \$6,000; for girls' dormitory, \$18,000; in all, \$77,900.

Mr. FALL. Did the chairman leave out an item of \$1,600 for waterworks, or is it in the report? I ask because this is the only source of information I have.

Mr. STONE. Mr. President, I will withdraw the report, as I find another mistake in it. I will bring it up again to-morrow.

Mr. FALL. Mr. President, I believe I have the floor, and I wish to occupy it for just one moment. I have no desire to retard in any way immediate action upon this bill or its passage. I am a member of the committee, however, and one of the Senators who must pass upon this matter, and the chairman of the committee is the only source of information I have.

Mr. ROBINSON. Mr. President, I should like to inquire of the chairman of the committee, if the Senator from New Mexico will yield for that purpose, whether this conference report can not be printed, so that Senators may have the advantage of knowing what it contains?

Mr. STONE. Yes; I will ask now to have the report printed.

The VICE PRESIDENT. The Chair understood the Senator to withdraw the report.

Mr. STONE. It ought to be printed in the Record.

Mr. SMOOT. Not if it is withdrawn.

Mr. STONE. I withdraw it, and it had better not be printed at all until it is corrected.

Mr. FALL. I think that by far the better course, Mr. President. Then we will know what is in the report.

Mr. ROBINSON. I suggest to the chairman of the committee that it may be printed for the use of the committee. In a matter of this importance Senators would like to have an opportunity to know what it contains, especially those of us who have devoted a good deal of study and consideration to the bill.

Mr. STONE. Mr. President, I can easily do that. I will now go to the committee room myself and go over the manuscripts and see that the report is correct. When that is done I will have it printed on the order of the committee.

Mr. GRONNA. Mr. President, may I ask what has become of the Indian appropriation bill?

The VICE PRESIDENT. It is in the hands of the chairman of the conferees on the part of the Senate. The conference report has been withdrawn.

Mr. GRONNA. With the request that it be printed in the Record?

Mr. OWEN. It will be printed by the order of the committee.

The VICE PRESIDENT. The Chair will be compelled to rule that nothing can be printed when there is nothing before the Senate.

Mr. GRONNA. There was so much confusion that I was not sure what had been done.

The VICE PRESIDENT. The Senator from Missouri said he would have it printed when finally prepared.

#### LEGISLATIVE DRAFTING BUREAU.

Mr. OWEN. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1240, to establish the legislative reference bureau of the Library of Congress.

Mr. GALLINGER. I desire to give a little more consideration to the bill for which present consideration is asked by the Senator from Oklahoma, and I shall be constrained to object this morning. I assure the Senator that in the near future I shall be quite willing to have it brought up and discussed. I do not believe in the bill, and I have some observations to make concerning it, but I would rather not make them this morning.

The VICE PRESIDENT. The bill will remain on the calendar.

#### DECISIONS OF UNITED STATES SUPREME COURT.

Mr. SHAFROTH. I desire to call up Senate resolution 103, and ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Colorado asks for the immediate consideration of a resolution which the Secretary will read.

The Secretary read the resolution (S. Res. 103) reported by Mr. SHAFROTH on the 18th instant from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved*, That Senate resolution adopted on the 20th day of February, 1885, providing for furnishing to Senators pamphlet printed copies of the decisions of the Supreme Court of the United States be, and the same is hereby, annulled.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Mr. President, I do not see that there is a report upon the resolution. It is quite important, and I should like to ask the Senator from Colorado if a report has been submitted?

Mr. SHAFROTH. No; not a written report. The committee considered the resolution, and ordered me to report it favorably, just as reports are usually made upon matters referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Of course generally resolutions referred to that committee are those calling for the payment of money for some particular item that is needed immediately. This resolution proposes to change existing law, and I think there ought to be a written report upon it.

Mr. SHAFROTH. The committee has had this matter under consideration for some time, and Senators have discussed it for some time. It is not complicated. It is simply a question as to whether we shall keep in force an old resolution, passed in 1885, which provides that there shall be furnished to each Senator copies of the Supreme Court decisions, at a cost of 80 cents per printed page. The committee thought that was an outrageous price, and therefore that the resolution ought to be annulled.

Mr. SMOOT. I agree with the Senator that 80 cents per printed page is an outrageous price, but I should like to ask him if the price thus charged is not taken into consideration with the contract itself, and whether it is not virtually an advance upon the contract rather than a direct charge upon these few additional copies?

Mr. SHAFROTH. I will say to the Senator that I was told by the clerk of the Supreme Court that the contract which the printers have with the Supreme Court provides for a charge of \$2.95 per printed page, and that this is an additional charge. It seemed to me that that price was very high, but we had no jurisdiction over that subject, it being contained in a general appropriation bill.

Mr. SMOOT. So that I may be understood by the Senator, he having looked into this question later than I, I will state my understanding is that in order that these copies shall be delivered to Senators and Members of the House of Representatives ahead of the regular printing provided by law, the additional price, which is an exceedingly high price, is paid for them, but that it is taken into consideration with the general price that would have been charged if they had all been printed at one time. Has the Senator looked up that question?

Mr. SHAFROTH. No; but the price for the copies is so outrageous that it seems to me it can not be taken into consideration as a part of the general price for publishing all of the Supreme Court decisions.

I want to say to the Senator that I do not believe one Senator out of fifty reads these decisions. I have asked a number of Senators, and I have not found one who has said that he has read the decisions, or any considerable number of them. In fact, I have failed to find a Senator who said he had read a decision.

Mr. SMOOT. I will say to the Senator that I have read a decision.

Mr. SHAFROTH. I admit there may be a few; but the Senator will concede that when any important decision is rendered by the Supreme Court, somebody rises in the Senate or in the House and asks that it be made a public document. What is the necessity of having copies of the pamphlet edition distributed to each Senator when there is no general use of them? It may be that a few Senators do read them.

The thing that called our attention to this matter was a bill which was rendered, and which I hold in my hand now, providing for payment for these decisions from February 6, 1913, to April 30, 1913. It amounts to \$468.80, at the rate of 80 cents a page. I want to say to the Senator that the West Publishing Co. prints in pamphlet form every one of the decisions of the Supreme Court; and we could subscribe for each Senator for that entire edition, which they issue in pamphlet form, at a less annual cost than the amount of this one bill for three months. We can get them for \$5 a year. They are sent in pamphlet form soon after the decisions are rendered, and after the pamphlet forms are delivered they are bound, and there is sent to each for nothing a permanent bound edition. For this same amount of money a volume of the temporary pamphlets and the bound volume for an entire year can be furnished to each one of the Senators.

Mr. VARDAMAN. Mr. President, will the Senator yield to me for a question?

Mr. SHAFROTH. Certainly.

Mr. VARDAMAN. Why could not these pamphlet copies be printed at the Government Printing Office at cost?

Mr. SHAFROTH. I will tell the Senator why. It is understood that the Justices of the Supreme Court desire that the decisions shall be printed by some person in whom they have entire confidence, so that there shall be no "leak" as to the decisions.

Mr. VARDAMAN. Could not that be arranged at the Government Printing Office?

Mr. SHAFROTH. I do not know. At any rate, that is their reason. In order to make any change it would be necessary to go and make some kind of negotiations. At any rate, they do not seem to want the Government Printing Office to publish the decisions.

It seems to me that if we want to have copies of the decisions furnished to the Members of the Senate, the best thing to do is to subscribe for a copy of the decisions for each Member of the Senate, to be furnished by the West Publishing Co. Then you will get every decision in pamphlet form soon after it is rendered, and you will also get a bound volume containing the decisions for the entire year, for the \$5 which will have to be paid to the West Publishing Co.

Mr. CHAMBERLAIN. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I desire to ask the Senator if it is not a fact that the Senators who take pleasure in reading the decisions of the Supreme Court do not keep the pamphlets in such a condition that they can refer to them when they want them, and in the final analysis they go to the Supreme Court or to the Library in order to get a decision to read?

Mr. SHAFROTH. I do not believe there are half a dozen Senators who have copies of these temporary decisions in such form that they can turn to a decision, where there are some 20 or 30 pamphlets together. I have asked a number of Senators what they do with their copies of the decisions, and they have said: "I let them accumulate until I get quite a bunch and then I send them to John Jones, an attorney in my town." I have asked a number of Senators whether they have read the decisions, and I have failed yet to find one who had read the decisions.

Mr. CLARK of Wyoming. The Senator forgets that this Senator told the Senator from Colorado the other day that he did read them as they came out, and that he considered the publication of them in this form to be very valuable.

Mr. SHAFROTH. I do not remember it, if that is the case; but I am satisfied that no considerable number of Senators read the decisions, and it seems to me that the price is entirely too high.

Mr. CLARK of Wyoming. May I interrupt the Senator? The Senator will remember, when this matter was up some days ago,

the price was spoken of, and it was suggested to the Senator from Colorado whether it would not be possible to make some different arrangement. Has the Senator attempted to do anything of that sort so as to keep the price within what he thinks is a reasonable price?

Mr. SHAFROTH. No, I have not; and I will state the reason why I have not done so. It is possible that the members of the Judiciary Committee of the Senate ought to have these pamphlet copies. It seems to me if they do, that for the 18 members of that committee it would be a great deal cheaper to send to the West Publishing Co. for these temporary sets and also have the permanent sets remain in the office. I thought that would be a more economical way of doing it, and if the Senator will prepare a resolution of that kind, I am quite sure that the Committee to Audit and Control the Contingent Expenses of the Senate will agree to it. But under the conditions that are here, charging 80 cents a printed page, when we have no proposition to furnish them at any less, it seems to me that the only way is to annul the resolution of 1885, and if the printer wants to make a different contract let him come to us.

Mr. NELSON. Mr. President, I am very sorry to see the Senator from Colorado assume the attitude he takes in reference to this matter. I think he is laboring under a misapprehension.

The decisions of the Supreme Court are printed in pamphlet form, and we generally have them sent to us within three or four days or a week after they have been announced. We could not possibly get them through any legal periodical published at distant points in that time.

I wish to say to the Senator from Colorado that for years and years I have been a constant reader of those decisions, and it is about the only part of the law that I have had a chance to keep track of. If Senators would read the decisions of the Supreme Court from day to day as they are issued, they would find what a variety of cases the court passes upon and how much valuable instruction and advice we may get from all those cases. The only objection I have to them is that they are not provided with a syllabus, and you have oftentimes to read a good part of a decision before you get into the meat of the subject and ascertain the questions involved.

Now, we are sitting here as legislators, working from day to day with many important legal questions constantly addressed to us. I can not conceive of any equipment that we need more than the decisions of our highest court. Senators must remember that the Supreme Court of the United States in passing upon great public questions is different from any other court in the land, and its decisions are more than those of any other court. They not only have to pass upon technical legal questions, but oftentimes great cases like the Minnesota case, that has lately been passed upon, and there are many other cases which involve great fundamental questions that concern the welfare of the country.

Take the Minnesota case. The direct question involved there was whether the States have any power at all left to them to regulate commerce within a State.

A short time ago we had important decisions on the water-power question in reference to the waters of the Sault Ste. Marie Canal. We have another decision relating to the dredging of some oyster beds in Long Island Sound, and constantly in the decisions of the Supreme Court new questions arise and are disposed of. Of all the public documents printed by the Senate, that I have occasion to examine, there is no Senate document from which I get as much benefit and as much valuable advice and instruction.

When the Senator says there are very few who read these decisions I am loath to believe it. I think there are a great many Senators in this body who even if they are not lawyers are glad to read those decisions.

It may be that the cost of printing the decisions is too high. As to that question, I have nothing to say, but I have this to say: If the price is too high, make it reasonable, but, for God's sake, do not deprive the Senate of the United States of the benefit of those decisions. We need them more than we need anything else in the shape of literature in this body.

Therefore, Mr. President, I move that the resolution be re-committed to the committee with instructions to amend it so as to provide for reasonable compensation for printing the decisions. I agree with the Senator from Colorado that the price is too high, and if it is too high we ought to make it moderate and proper, but we should never totally rescind the resolution and deprive the Senate of the value of those decisions. I think if Senators will reflect on this matter they will see that it is of more importance and more far-reaching than any of us are aware of. It is not a Mrs. Winslow's soothing sirup

almanac affair. It is a matter that concerns the fundamental principles of the Government. If there is any class of men who need to be fully informed by the current decisions of the Supreme Court it is we who are legislating for the entire body of the American people.

Mr. CLARK of Wyoming. Mr. President, I wish to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK of Wyoming. I should like to ask the parliamentary situation of the resolution.

The VICE PRESIDENT. The Senator from Colorado has asked unanimous consent for its present consideration.

Mr. CLARK of Wyoming. I shall object.

The VICE PRESIDENT. Objection is made.

#### INVESTIGATION OF ATTEMPTS TO INFLUENCE LEGISLATION.

Mr. OVERMAN. The time fixed for the "lobbying" committee to investigate the "lobby" to make its report was on the 28th, which will be next Saturday. Since that time was fixed the Senate has added new labors to the committee and extended its investigations. I am therefore compelled to ask that the Senate extend the time of the committee in which to make its report.

The VICE PRESIDENT. The Senator from North Carolina, from the Committee on the Judiciary, asks consent for an extension of the time of the committee to make its report on the alleged lobby investigation.

Mr. GALLINGER. What extension does the Senator ask?

Mr. OVERMAN. I thought we would get through by the 28th when I asked that that date be fixed. I want to make it indefinite now. We will report just as soon as we can.

The VICE PRESIDENT. Is there any objection to the request of the Senator from North Carolina? The Chair hears none. The motion prevails, and the time is extended.

The motion as agreed to was reduced to the form of a resolution (S. Res. 123), as follows:

*Resolved*, That the time when the Committee on the Judiciary was instructed to report to the Senate under the terms of Senate resolution 92, agreed to on May 29, 1913, be extended.

#### RAILROADS IN ALASKA.

Mr. CHAMBERLAIN. I ask unanimous consent that the Senate take up for consideration the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of the bill which he has indicated.

Mr. SMOOT. I am quite sure that the bill can not be passed to-day. I do not like to object, but I shall have to object to its present consideration.

The VICE PRESIDENT. Objection is made.

Mr. CHAMBERLAIN. I ask unanimous consent that a definite time be set for the consideration of the bill by the Senate—one week from to-day. I will say in this connection, Mr. President, that if the Senate will consent to take up the bill providing for the building of railroads in Alaska, whenever the tariff bill comes up, or if the proposed currency measure comes up for consideration, so far as I am concerned I will consent to the laying aside of Senate bill 48.

Mr. CLARK of Wyoming. Inasmuch as the Democratic majority in the House of Representatives have decided officially to take up no general legislation at this session of Congress, I do not see that any great object could be gained by taking it up here. I shall therefore withhold my consent for any arrangement of that kind.

Mr. CHAMBERLAIN. Then I move that the bill be taken up for consideration, notwithstanding the objection, and upon that I ask for the yeas and nays.

The VICE PRESIDENT. The Senator from Oregon, notwithstanding the objection, moves that the Senate proceed to the consideration of Senate bill No. 48.

Mr. CHAMBERLAIN. I ask for the yeas and nays, Mr. President.

The VICE PRESIDENT. Is the request for the yeas and nays seconded by one-fifth of those present? [Putting the question.] The Chair rules that the request is not seconded by one-fifth of the Senators present.

Mr. CHAMBERLAIN. I ask for a division.

#### EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 5 minutes spent in executive session the doors were reopened.

## DIFFERENCES BETWEEN RAILWAY COMPANIES AND EMPLOYEES.

Mr. NEWLANDS. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 2517) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and in that connection I wish to make a statement.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. GALLINGER. I suggest to the Senator that I should very much like him to make his statement. I assume this is an enlargement of the so-called Erdman Act. Am I correct?

Mr. NEWLANDS. Yes.

Mr. President, the Senate is entirely familiar with the Erdman Act.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. I yield.

Mr. SMOOT. I notice from the bound calendar of bills on the desks of Senators that there is no print of the bill. Does the Senator know whether or not the bill has been printed?

Mr. NEWLANDS. The bill is here and will be put on the desks of Senators.

Mr. SMOOT. Was a report made on the bill?

Mr. NEWLANDS. There has been no report except a verbal report which appears in the CONGRESSIONAL RECORD of June 23, accompanied by a signed statement of 13 members of the Interstate Commerce Committee authorizing a favorable report of the bill.

Mr. OVERMAN. I notice the Senator from Nevada states that this is an extension of the Erdman Act.

Mr. NEWLANDS. It is an extension or an enlargement of the Erdman Act.

Mr. OVERMAN. The Erdman Act has been administered without having a \$7,500 officer and a \$5,000 officer. Why can we not extend it without having these great offices created with these large salaries?

Mr. NEWLANDS. If the Senator from North Carolina will listen to me for a few moments, I will make a brief statement which, I think, will be satisfactory to him.

Mr. SMOOT. I understand that unanimous consent for the consideration of this bill has not yet been granted, pending the statement of the Senator from Nevada [Mr. NEWLANDS]?

The VICE PRESIDENT. Unanimous consent for the consideration of the bill has not yet been granted.

Mr. NEWLANDS. Mr. President, the Senate is familiar with the Erdman Act and the various proceedings under it with a view to adjusting the differences between railroads and their employees, and the very conspicuous part that Justice Knapp, of the Commerce Court, and Mr. Neill, the Commissioner of Labor, have taken in all these matters of mediation. Their action in this important work of mediation and conciliation has absolutely won the confidence of both the employees and the employers. That act, however, has been found to be unsatisfactory by both parties, and for a long period of time an enlargement and extension of the act has been under consideration by the various brotherhoods connected with the railways, by a committee of railway presidents, consisting of five or six of the presidents of the greatest railway systems of the country, by conspicuous members of the Civic Federation, by Justice Knapp, and by Mr. Neill. The result of their deliberations has been a bill—Senate bill 2517—which I have introduced, and which has received the indorsement of all the railway brotherhoods in the country. The gentlemen forming this committee appeared—

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. Yes.

Mr. KERN. How long has it been since the final draft of this bill was prepared?

Mr. NEWLANDS. The final draft has been prepared within the last 3 or 4 weeks and was presented to the Interstate Commerce Committee about 10 days ago. It was introduced on June 13, 1913, and was published in the CONGRESSIONAL RECORD.

Mr. KERN. Do I understand the Senator from Nevada to say that within that time the labor unions of the country have had an opportunity to examine the bill and to give it their approval?

Mr. NEWLANDS. As I understand, the approving action of the railroad brotherhoods was secured before the bill was introduced. The fact is, the bill has been drawn by the committee composed, as I have stated, of the heads of various brotherhoods, five or six of the railway presidents of the most prominent railway systems in the country, whose operations involve the employment, I believe, of 90,000 employees, the com-

mittee consisting also of a delegation from the Civic Federation and of Justice Knapp and Mr. Neill, former Commissioner of Labor. This bill embodies their unanimous report, which, as I understand, prior to its being offered as a bill, had the approval of the various railroad brotherhoods.

Mr. KERN. Does the Senator from Nevada intend to ask unanimous consent for the passage of this bill this afternoon?

Mr. NEWLANDS. I do.

Mr. KERN. Without giving to Senators the opportunity to study the bill? It is a very important measure.

Mr. NEWLANDS. I will state, with reference to that, that that is my purpose, and I want to state the condition of urgency which requires such action. We all know—

Mr. KERN. If the Senator will excuse me, as I understand, there is not even a written report accompanying the bill, setting forth either its merits or its demerits.

Mr. CUMMINS. Mr. President, may I interrupt the Senator from Nevada a moment?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I do.

Mr. CUMMINS. There are but two changes of any importance in the Erdman Act proposed by the bill introduced by the Senator from Nevada [Mr. NEWLANDS]. The first is enlarging the board of arbitration. The Erdman Act provides for a board of arbitration of three members. That has been found to be impracticably small. Neither the men nor the railroad companies are willing to submit great controversies to a board of arbitration consisting of three men.

Second, the appointment by the President of a distinct official known as a "mediator" instead of employing men already in the service of the Government.

There are other changes, but they are of no consequence whatever. Those are the two provisions intended by this bill to be added to the Erdman Act.

I may say, in supplement to what has already been stated, that this subject has been up for a long time and has been under consideration by those who are immediately concerned in it, namely, the railroads and their employees. The bill has been drawn through the joint efforts of the committees of the interested parties, aided by the present board of mediation, namely, the Chief Justice of the Commerce Court and the former Commissioner of Labor, Dr. Neill.

Mr. ROBINSON. Mr. President, will the chairman of the committee yield to me?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Arkansas?

Mr. NEWLANDS. Gladly.

Mr. ROBINSON. In connection with the statement which the Senator from Iowa [Mr. CUMMINS] has made, I call attention to the fact that there is another rather important change in the law proposed by this bill. In addition to enlarging the board of arbitration and creating the two salaried officers referred to, this bill provides that when an award has been made, and a difference arises between the parties as to the construction of the award, the question may be sent back to the board of arbitration to obtain the opinion or construction of the board as to its meaning. That has been considered to be a very important provision in that in the last case of great importance in which the Erdman Act was invoked an award was made, and the two parties to the award, the labor organization and the railroad companies, construed it very differently, and the award has not gone into effect for that reason. One party to the award, the railroad companies, has refused to consent, there being no authority of law for the matter to be referred back to the arbitrators.

Mr. NEWLANDS. Mr. President, I wish to state that there was a full hearing upon this subject by the Interstate Commerce Committee of the Senate, and that members of the Judiciary Committee of the other House, to which committee a similar bill introduced by Mr. CLAYTON, of the House, had been referred, attended those hearings. At those hearings the chiefs of the various railroad brotherhoods, prominent railway presidents, Judge Knapp, and Mr. Neill were fully heard. They all urged the passage of this bill without amendment.

The Secretary of Labor was present at that hearing, and, whilst in sympathy with the bill, he objected to that provision which made the board of mediation absolutely independent of the Department of Labor. The representatives of the brotherhoods of the railroads insisted that that was an essential feature; that they desired the board of arbitration appointed by the President to be as independent of any department as is the Interstate Commerce Commission itself, and that, if it were subject to the direction and control of the head of a department, its usefulness would be seriously impaired.

Later on a meeting was held of the Judiciary Committee of the House; Secretary Wilson was further heard, and certain amendments were there presented by him to this bill, not materially altering its character but simply retaining the Chief of the Bureau of Labor and Statistics as a member of the board of mediation, thus maintaining its connection with the Labor Department. That was the most important amendment that he had to offer.

Mr. OVERMAN. That is as it has been.

Mr. NEWLANDS. That is as it has been; and that is where the various federations objected to its being.

Mr. OVERMAN. They want the board of mediation separated entirely from any department of the Government?

Mr. NEWLANDS. They want it to be independent.

Mr. OVERMAN. And the Government to have no control over these officers.

Mr. NEWLANDS. The President appoints them, and can remove them, of course, but the bureau itself is an independent bureau.

Mr. OVERMAN. Is not the purpose of the bill to give somebody a \$7,500 office?

Mr. NEWLANDS. I do not think so, Mr. President. My belief is that they are absolutely sincere in the conviction—

Mr. OVERMAN. The man who is to be appointed—

Mr. NEWLANDS. One moment, if the Senator will hear me through. I believe they are sincere in the conviction that the operations of this board of mediation should be absolutely separated from any political department, just as the Interstate Commerce Commission itself is an independent commission not connected with any department. The Senator will realize that if the Interstate Commerce Commission were connected with the Department of Commerce, and its members subject to the direction, possibly, of a political department, its usefulness would be greatly impaired.

Mr. CUMMINS. Mr. President, will the Senator from Nevada yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. I believe that there is great urgency for the passage of this bill. I hope that in determining whether we will take the bill under consideration we will not float into a debate upon possible amendments to it. What the Senator from Nevada is now saying relates to an amendment that has been suggested outside, but is not in the bill as reported by the committee. If we once get into a debate concerning amendments that may be offered, I fear we will never reach a consideration of the bill itself. Let us postpone them until the bill is taken up for consideration.

Mr. NEWLANDS. I will read a telegram which I have received from Mr. Seth Low, the head of the Civic Federation, regarding this matter. The telegram reads:

NEW YORK, June 26, 1913.

Hon. FRANCIS G. NEWLANDS, Washington, D. C.:

Judge CLAYTON informs me that House caucus unanimously authorized action upon our bill as amended by his committee. In accordance with my understanding with Judge CLAYTON I am telegraphing to ask you to pass Senate bill, as reported by you, without change. If I can bring about perfect accord on House bill, it can be substituted for yours. If not, the two bills will go to conference and the two Houses can choose between them. Please acknowledge in care of National Civic Federation, New York.

SETH LOW.

I wish to say that Mr. Low and certain others appeared before the House committee and agreed to the amendments suggested by Secretary Wilson; but they have not as yet been acted upon by the brotherhoods, and he is engaged now in communicating with them for the purpose of ascertaining their views.

Mr. OVERMAN. Mr. President—

Mr. NEWLANDS. If the Senator will permit me to make my statement without interruption, I think he will be much better satisfied.

Mr. OVERMAN. It is in regard to his statement that I desire to interrupt the Senator. I want to say that I understand the House of Representatives in its caucus has indorsed the bill, with the provision for the appointment of the two officers stricken out. Will not the passage of the measure be hastened if the Senator will let the bill come over here from the House? The House bill is practically the same as that reported by the Senate committee, with the exception of the provision with regard to the two officers; and would it not be better for the House to act first and then let the Senate pass the House bill than to have each body pass a bill and have them cross?

Mr. NEWLANDS. I do not think so, Mr. President. The Senate is now in session, and if it passes this bill as it has been recommended by the federations, it will go to the House.

If the House adheres to the amendments suggested by the Judiciary Committee, those amendments will be put on, and then the bill will go to conference.

Now, I wish to state that it is of the highest importance that immediate action should be taken upon this question. We all know that there is the greatest dissatisfaction upon the part of the railway employees of the country on account of the high cost of living, and that for some period they have been agitating for an increase of their wages.

Negotiations have been going on between the railways and the brotherhoods with reference to an increase of wages, and a vote is now being taken by the railway brotherhoods as to whether or not they will strike. The announcement of that vote will be made about the 4th of July.

It seemed to the Interstate Commerce Committee of the highest importance that a contention which would tie up the commerce of the country should be avoided. It seemed to the Interstate Commerce Committee that the course of the railway employees, through their brotherhoods, and of the railway officials, and of Justice Knapp and Mr. Neill and of the Civic Federation, should be commended as in the line of industrial peace, and that whatever suggestions they made with reference to a composition of these difficulties should be approved by congressional action. Certainly nothing whatever that they suggested was in conflict with the public good. They simply desire an independent tribunal, free from any political influence, which will act as a medium of conciliation between the employers and the employees. We thought we ought to accept their suggestion with hospitality, and we unanimously reported their bill to the Senate.

Mr. ROBINSON. Mr. President, will the chairman of the committee yield to me for a short statement?

Mr. NEWLANDS. Certainly.

Mr. ROBINSON. Referring to the imminence of a possible strike, the hearings before the committee disclosed the fact that all the railroads east of Chicago, employing approximately 90,000 men, and the employees thereof are involved in a controversy concerning wages, and that committees representing the organizations of employees and the railroads have agreed to disagree; have reached the conclusion that under the circumstances they can not mediate or arbitrate under the Erdman Act; and they have reached a further agreement that they will arbitrate or mediate under this act if it be passed. The proposed bill represents a measure which we are assured by representatives of all of the leading organizations and the leading railroads concerned in this controversy will avert a strike that in all probability will occur unless the bill is passed. This strike will tie up the commerce of the entire eastern part of the United States.

Such are the representations made before the committee at a hearing, at which were represented many of the important railroad systems of the eastern part of the United States and all of the leading organizations of railroad employees. As stated by the chairman of the committee, unless some assurance is given that this bill will speedily pass, a strike probably will be ordered about the 4th of July.

Mr. NEWLANDS. Mr. President, I ask unanimous consent for the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BRANDEGEE. Mr. President, I am not sure but that this matter has received attention in my absence. If not, I desire to call the attention of the chairman of the committee to some misprints.

On page 9, in line 12, there are two letters at the end of the word "arbitration" that should not be there I think.

Mr. NEWLANDS. Yes; that should be corrected.

Mr. GALLINGER. Mr. President, in the same connection, for the purpose of calling attention to some very bad proof reading at the Government Printing Office, I will suggest that the word "party," in line 8, page 1, should be "partly."

Mr. NEWLANDS. Yes; I see the place to which the Senator refers.

Mr. GALLINGER. Let that be corrected. Then, on page 2, the word "Provided" is improperly spelled, and the proof reader did not discover that.

Mr. BRANDEGEE. What line?

Mr. GALLINGER. Line 17. The letter "i" is left out. I presume there may be other typographical mistakes, which, of course, will not invalidate the bill; but I call attention to these simply for the purpose of suggesting to the Public Printer that he has at least one very incompetent proof reader.

Mr. NEWLANDS. I move that section 1, page 1, line 8, be amended—

The VICE PRESIDENT. The Chair rules that typographical errors will be corrected without any motion being made.

Mr. OVERMAN. Mr. President, I favor the bill, but I am opposed to paying this officer \$7,500 per annum when the work will not take all his time. Probably one day he will have nothing to do, and the next day he will be busy. His sole function will be the settlement of these difficulties. I do not see why we should pay an officer \$7,500 a year for performing such duties when he can transact other business. If I understand correctly, he will be called upon only to settle these troubles, and yet it is proposed to pay him just as much as a Senator is paid who works here day and night.

Mr. NEWLANDS. Does the Senator wish to amend the bill by inserting a smaller sum in lieu of \$7,500?

Mr. OVERMAN. I do. I move to amend—

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. OVERMAN. I yield.

Mr. POMERENE. If I may be permitted, I want to suggest that it appeared at the hearings that Mr. Commissioner Neill and Mr. Justice Knapp had had under their supervision during the time they acted as mediators about 60 different cases. Mr. Commissioner Neill's time for a large part of the last year was occupied with two of these controversies, as I remember the testimony.

The thought is that there should be mediation commissioners who should be absolutely independent of the Department of Labor, so that the public and the parties to the controversy might feel that the mediators would be where they could act entirely independently of any influence either for or against either of the parties to the controversy. I feel entirely in sympathy with that proposition.

Mr. OVERMAN. I agree with the Senator; but that does not affect my proposed amendment.

Mr. POMERENE. It does to this extent: This is work of such a character that only men of the highest order of ability and discretion can perform it. Whether the salary is a little too large or a little too small does not concern me one-half so much as to have this legislation in the form in which it was presented by the several parties and to which they agreed. It represents the consensus of opinion of the laboring organizations, the railway organizations, and the Civic Federation.

Mr. OVERMAN. May I ask the Senator whether, if Mr. Neill is appointed to this place, he proposes to continue his employment with Mr. Guggenheim?

Mr. NEWLANDS. Let me say, upon that question, that Mr. Neill announced at the hearing that he would not under any conditions accept this appointment, that the work had been so trying that he would not undertake it another time for double or even treble the salary. Upon the statements made by him and by Justice Knapp, and by all the members of these brotherhoods, with reference to the exacting character of these duties, I was impressed with the very grave character of the service required and the necessity of adequately compensating it.

Mr. OVERMAN. I said that only to illustrate my position.

Mr. ROBINSON. May I ask the Senator from North Carolina a question?

Mr. OVERMAN. Yes.

Mr. ROBINSON. What is the amendment which the Senator proposes? I have not heard it offered yet.

Mr. OVERMAN. I was about to offer it when I was interrupted.

Mr. ROBINSON. I should like to hear it.

Mr. OVERMAN. I wish to state the reason why I asked the question. I did not apply it especially to Mr. Neill, but only as an illustration.

Mr. Neill acted under the Erdman Act for \$10 a day when he had 60 cases, and ran the Bureau of Labor at the same time. Judge Knapp received a salary as judge of the Commerce Court, and he acted at the same time under the Erdman Act. I know, and Senators know, that this work is not going to take all the time of any man. Probably it might occupy him two or three times a year or half a dozen times or even sixty times a year, but he could carry on other business.

In answer to the Senator from Ohio, I will say that I think a salary of \$5,000 is sufficient, and any good man will take the appointment at that figure, because he can transact other business at the same time. I think it is paying too much in comparison with what other men are getting from the Government. Senators work all the time during the entire year and they get only \$7,500, and here it is proposed to pay a man \$7,500 who will not have to work half his time.

Mr. ROBINSON. Will the Senator yield to me for a brief statement?

Mr. OVERMAN. Yes, sir.

Mr. ROBINSON. The record discloses that after the Erdman Act was passed in 1898 it was not availed of until 1906.

During the less than seven years that have passed since that time there have been 60 cases, some of them of the very greatest importance.

Mr. OVERMAN. Sixty cases in seven years!

Mr. ROBINSON. But the Senator from North Carolina must bear in mind the fact that these cases have involved the very greatest of complications—

Mr. OVERMAN. Why, of course.

Mr. ROBINSON. And, in some instance at least, the work has required successive days and weeks and even months of negotiation.

Mr. OVERMAN. Yes.

Mr. ROBINSON. The labor is a very arduous one, in the very nature of things. There must be confidence reposed in the mediators on the part of both the employers and the employees, and it does seem to me that if an office is to be created at all, a salary of \$7,500 is a reasonable one.

If the Senator from North Carolina will pardon me for a further statement, I think it quite probable, or at least possible, that this provision will go out of the bill before it finally becomes a law. We are in this situation: The bill as presented here represents an agreement between committees from the railroads and from their employees. As can be easily understood by every one familiar with the conditions, there is always a degree of suspicion upon the part of both parties to such controversies that the other party is trying to secure the advantage. The necessity for passing this bill in its present form lies in the fact that it will be of no value whatever unless it is acceptable to both the railroads and their employees. It might be said that this amendment would not make it objectionable; but, singularly, it was disclosed during the hearings that a change in the number of arbitrators agreed on, the number being six, would make it absolutely objectionable.

Mr. OVERMAN. That would be a material change.

Mr. ROBINSON. Yes.

Mr. OVERMAN. This is only a matter of detail.

Mr. ROBINSON. But if the Senator will pardon me, in view of the fact that negotiations are now being conducted between the representatives of the Civic Federation, the railroads, and their employees, with a view to eliminating entirely this feature of the bill, if it can be done without in their judgment impairing the usefulness of the measure and thus not imposing any additional expense on the Government, it seems to me it is of the greatest importance that we should not spend much time here in considering whether the salary should be \$5,000 or \$7,500. The importance of these duties has increased every year, and will continue to increase in the future. I submit to this body that if, as a result of its deliberations, a tribunal can be created with a reasonable certainty of averting the now pending and threatened strike, the importance of the results that will be thus accomplished will minimize into insignificance the question of a salary of \$7,500 or of \$5,000, to say nothing of what it means for the future.

Mr. OVERMAN. I know it means a great deal, and I am in favor of the bill in its principles and everything about it, except that I do not want to pay a man \$7,500 a year to settle 60 cases in seven years. I think it is too much money; and, representing the taxpayers of the country, I move to amend by striking out "\$7,500" and inserting "\$5,000."

Mr. KERN. Mr. President, I hope the amendment offered by the Senator from North Carolina will not prevail. I think it would be far preferable to have a salary of \$10,000 rather than to reduce the proposed salary to \$5,000.

The responsibility resting upon the incumbent of the position is of the highest order. It is of the highest importance that the decisions of such a man should command instant respect on the part of both parties to the controversy. The duty is not confined merely to sitting at a judge's desk and hearing evidence now and then. It will be necessary to find a man who is familiar with the general situation, in the first place, and who, in addition to this, is of such mental training and ability that he will be able to comprehend the subject matter in controversy and to do justice between the parties, and who is of such high character and exalted reputation that his decision will command instant respect. He must take time to familiarize himself with the entire economic situation in the country.

This bill, as I understand it, calls for the services of a high-grade man. I hope the President will not be required to look out into the field for a high-grade man for whom a low-grade salary has been provided.

Mr. BRANDEGEE. Mr. President, as a member of the committee which considered the bill and reported it, I hope the amendment offered by the Senator from North Carolina will not prevail.

In addition to the well-founded arguments that have been already presented justifying this amount of salary, I think Sen-

ators should bear in mind the fact that the work of the commissioner of mediation and conciliation is almost emergency work. In addition to requiring a man who is beyond any suspicion whatever and is an absolutely impartial judge, the duties of the office almost necessarily require that he shall not be engaged in any other business. An emergency suddenly arises, and the commissioner, as one of the members of this tribunal, may have to depart suddenly, upon receipt of a telegram at midnight, for any part of this country, and he may have to remain for weeks upon the ground where the seat of the trouble is.

It seems to me that if it is the purpose of the bill to create a tribunal which will command the confidence of both employers and employees in the railroad service all over this great country, the duties of the office necessarily preventing the commissioner engaging, steadily at least, in any other kind of business, \$7,500 a year is little enough to pay for a man who must maintain some seclusion, some such judicial attitude as a judge maintains.

Mr. OVERMAN. May I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. OVERMAN. Judge Knapp presided over the Commerce Court and tried all his cases, and he was able to go and attend to these matters, and he was willing to go for a compensation of \$10 a day.

Mr. BRANDEGEE. Mr. President, if I may interrupt the Senator—

Mr. OVERMAN. Are there any more duties than mere arbitration? Are there any more duties devolved upon him than those under the Erdman Act?

Mr. BRANDEGEE. I will state what I think the situation would be. The testimony before the committee was that both Mr. Neill and Judge Knapp had been taken away for long periods of time from the duties which they ought to have been performing here, and in order to perform these duties they had abandoned their other duties and had to work nights and Sundays for weeks to get up with the duties of their offices here.

The testimony was also that in some of these arbitrations it had been two months before the award had been filed. It seems to me that to take a man from Washington to the Pacific coast and make him stay there two or three months, and in the meantime have his service demanded in another section of the country, perhaps as soon as he has returned, and to keep himself posted and equipped by the necessary study and familiarizing himself with all the phases of these difficulties, \$7,500 a year is not excessive in these times, in the way that first-class men should be paid, as compensation for this office.

If there is adequate necessity for the creation of this board at all, I think a reasonable salary should be paid, salary enough to warrant a man in leaving a respectable employment in the capital of the Nation, and salary enough to insure his adequate support from this office, and not make it necessary for him to seek other means of maintaining himself and his family.

I hope the amendment will not prevail.

Mr. SMITH of South Carolina. Mr. President, as a member of the committee, observing the zeal and almost the enthusiasm with which both sides of the great question of employer and employee spoke for this bill and the offices created under it, looking toward the mediation of questions that might arise between them, committing themselves as they did to this method of settling their difficulties, the thought occurred to me then, and it has impressed me more since, that where such stupendous issues are at stake, involving as they do the very commerce of the country, organized now on the part of labor with, of course, organization on the part of capital, if we may put it in that form, the cheapest possible investment, in my opinion, that the United States can make is to pay \$7,500 for that combination of brain and character which will not only invite but will retain the confidence of both parties and bring about from time to time a settlement of questions that would otherwise cost millions of dollars and hundreds of lives from an antagonism between two forces that the Government has used every means within its power in a legitimate way to reconcile.

To my mind it was a hopeful sign when the parties representing the two great elements of our industrial life on one common ground devised means which, in their judgment, will meet and obviate the terrible conditions that have existed heretofore. They recommended upon their own initiative a salary of \$7,500 for a man who they hope will sit as the great mediator between the contending forces. For us to get a man who is not worth that amount would be worse than to get none at all. It would be a disaster to both parties if we were to attempt to get a cheap man, a man who could not comprehend the equity involved in any case that might come before him. As has been suggested by the Senator who has just taken his seat, it will

necessitate that the man should familiarize himself with the conditions that exist.

Mr. OVERMAN. May I ask the Senator a question?

Mr. SMITH of South Carolina. Certainly.

Mr. OVERMAN. We have had two good men heretofore, have we not?

Mr. SMITH of South Carolina. As has been suggested, their duties were divided.

Mr. OVERMAN. They were paid \$10 a day when doing the work.

Mr. SMITH of South Carolina. I understand that, Mr. President, but that does not enter into this question. It is a distinct function that is now proposed to be created for one of the most delicate positions that a man can possibly be placed in. If these parties should be so unfortunate as to get a man who by mental and moral capacity is unfit to discharge the duties the office would naturally impose upon him, he would be a dear man at any expenditure, and if we get one who will adequately fill the place he would be a cheap man even at a fabulous salary.

In view of that fact and in view of the delicate relations, distinct from almost any other that we could possibly form here, I, for one, as a member of the committee, shall vote for the salaries as they are now set forth in the bill.

Mr. CUMMINS. Mr. President, I do not quite understand the question just put to the Senator from South Carolina by the Senator from North Carolina. One of the mediators under the act as it is now is the former chairman of the Interstate Commerce Commission, now justice of the Commerce Court. Does the Senator from North Carolina understand that he received but \$10 per day?

Mr. OVERMAN. I understood that while he was receiving \$7,500, I believe it is, or \$6,500, as judge of the Commerce Court, he was appointed to act under the Erdman Act as a mediator, and when he was on that business he was allowed \$10 a day while he was serving the country as a judge, and as a judge he received a salary of \$7,500.

Mr. CUMMINS. But he received his salary as a member of the Interstate Commerce Commission throughout the year, and he received whatever was received under the Erdman Act in addition.

Mr. OVERMAN. Ten dollars a day.

Mr. CUMMINS. So the Senator's conclusion that a fit man could be secured for \$10 a day—

Mr. OVERMAN. Not at all.

Mr. CUMMINS. Is hardly warranted by the facts.

Mr. OVERMAN. No; I said that these gentlemen—Judge Knapp and Mr. Neill—received their salaries and did this extra work for \$10 a day. You may get an inferior man for \$100,000 a year and you may get a good man for \$5,000 a year. The point I was making is that a man undertaking this work would not be compelled to devote all his time to this particular work, because probably one of these strikes would not occur in three months or six months or a year, and in case no strikes should occur in the year he would get \$7,500 for doing nothing.

Mr. CUMMINS. Mr. President, I understand now what the Senator from North Carolina meant. Personally I am very much in favor of the appointment of a distinct mediator who fills that office and no other, and I have confidence enough in the President of the United States to believe that he will select a man who will perform not only with great fidelity but with high competency the very difficult duties of this place.

Hitherto the Erdman Act has been an experiment. It was an experiment when the chairman of the Interstate Commerce Commission and the Commissioner of Labor were designated as mediators. It has happened that those two men, who were originally selected for other duties, have rendered an invaluable service to the people of this country in mediating between the employer on the one hand and the employees upon the other.

Personally I believe the work which those men have done for the people of the United States is more valuable in conserving peace as well as property than the work of any other men in the same time under our institutions. Now, those men are passing out, and it will become necessary, if the bill is passed in its present form, for the President to select another man and an assistant as well, because the bill provides for an assistant at \$5,000 a year, who will endeavor to carry on the very honorable as well as valuable service which those men have rendered.

I think the selection of that man will call on the part of the President of the United States for a keener insight into human nature than he has ever been compelled to exercise in the work that he has hitherto done. He must select, first, a man who has the respect of the railways of the country and who has the respect of the railway men of the country—a man in whom both sides in this mighty controversy that is going on continually

have confidence, because without complete respect and without absolute confidence their service will be of no consequence whatever. I do not believe that you can find such a man who would be willing to leave whatever employment he may now have and enter this service, with all its vexations, with all its hardships, with all its opportunities to be misunderstood, for \$5,000. I think it would be disparaging the man, to begin with, to ask him to render this service for \$5,000 per year.

Mr. OVERMAN. I agree that we ought to have a first-class man—such a man as the Senator describes. I hope the President will get him. But I see that the bill makes the term seven years. It is a fixed term for seven years. Suppose you get one who was not that kind of a man. You have him for seven years. What are you going to do about it?

Mr. CUMMINS. He is removable.

Mr. OVERMAN. The President might remove him for misconduct; but suppose he is guilty of no misconduct, yet he is not the kind of a man to conform to the Senator's idea.

Mr. CUMMINS. Mr. President, that is one of the hazards which we all must incur in a Government like ours. That is true of every judicial appointment as well. The appointing power may make a mistake.

Mr. OVERMAN. But the idea I want to bring out is why the term is made seven years instead of four, the ordinary term.

Mr. CUMMINS. I am not responsible for that, Mr. President, and I would have no great objection on my part to a shorter term of office. However, my fear of a mistake is not so great as to induce me to change the term, although I would not oppose it.

But I do want the Senate to reflect seriously before it undertakes to secure a man who will be worthy of the confidence that I have attempted to describe for a salary of \$5,000. We will not be apt to secure him.

I agree with the Senator from Indiana [Mr. KERN] that the salary ought to be \$10,000 per year, rather than \$7,500 per year. If the President is able, as I hope he will be able, to select the right man for the place, he will earn for the people of this country his salary a hundred times over every year. I have no doubt that the mediation which has been carried forward by Judge Knapp and by Dr. Neill, followed by the arbitrations which sometimes ensue, have saved to the people of this country millions and millions of dollars.

Our difficulty, as stated by the Senator from Arkansas [Mr. ROBINSON], is that we are confronting one, if not two, of the most momentous strikes the country has ever seen. We can not secure arbitration between the railway companies and the men, because at least the railway companies are not willing to submit their cause to a board of three men. Both sides have agreed that if not the board of mediation but the board of arbitrators can be increased to six or nine men, then they will submit the questions in controversy to the board and abide by the award, whatever it may be. That fact constitutes the urgency of this measure.

But after all, the arbitration which may follow is not more important than the mediation which precedes the arbitration and very often settles the controversy. Let us therefore give the President the range at least in selecting a man that this fairly adequate salary will give him. Let us not confine him in the selection to men who are willing to labor for the public for \$5,000 per year. I feel confident that if we enlarge the field in which he may make his selection we will be abundantly compensated for it in the outcome of our work.

Mr. POMERENE. Mr. President, I am in favor of this bill as it is written, and though in some respects I would prefer to see a change I will not vote to change a single word in it, and for the reason I shall state.

It appeared before the committee that the railway companies, through their presidents and representatives, and the railway men's organizations, through their chiefs, said that this bill represented months of work; that while there were slight differences of opinion they all agreed to accept it as a solution of the problem. A number of the witnesses, when interrogated before the committee, said, in substance, that if the bill was passed as it was written they did not believe there would be a single railroad or a single organization that would refuse to accept the plan of settlement here adopted.

It stands to reason that when they come before the Congress asking that this plan be incorporated into a statute no one of these parties would be in a position where he could honorably say, "I will not accept the plan of mediation or of arbitration which is therein contained."

My friend from North Carolina [Mr. OVERMAN] raises the suggestion that if we get an undesirable man we can remove him only for cause. That, perhaps, is true, but if he becomes so objectionable that these parties will not use him the remedy

lies with Congress to repeal the law or to refuse to vote the necessary funds with which to carry on the work of the department.

For this reason and because of the imminency of the situation that is before us, I hope there will not be a single objection raised to any provision in the bill.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Carolina [Mr. OVERMAN].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NEWLANDS. With reference to the bill just passed, I should like to state that it is important that it should go to the House to-morrow morning.

Mr. BRANDEGEE. I desire to suggest that the Secretary correct an error in spelling in the bill.

The VICE PRESIDENT. The Secretary has been directed to correct errors in spelling and other clerical errors.

Mr. BRANDEGEE. I desire to call the Secretary's attention to an error that has not yet been noticed. The word "absence," on page 14, line 5, is misspelled and ought to be corrected.

Mr. GALLINGER. There is also a semicolon after the word "years," in line 17, page 13, which ought to come out.

The VICE PRESIDENT. The corrections will be made.

#### ASSIGNMENT OF DISTRICT JUDGES.

Mr. O'GORMAN. Mr. President, a few days since the Senate by unanimous consent considered and passed Senate bill 2254, which provides for the relief of certain Federal courts throughout the country. The senior Senator from Arkansas [Mr. CLARKE] immediately after the passage of the bill gave notice of a motion to reconsider. At his suggestion I shall consent to the insertion of the words "as to the trial of causes" after the word "powers," in the second line of the second page. The notice to reconsider the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed having been entered, I make that motion.

The motion to reconsider was agreed to, and the Senate resumed the consideration of the bill.

Mr. O'GORMAN. I offer the amendment to insert the words "as to the trial of causes" after the word "powers," in line 2, page 2.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 2, after the word "powers," it is proposed to insert "as to the trial of causes."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. O'GORMAN].

Mr. SUTHERLAND. I inquire of the Senator from New York what will be the effect of that amendment?

Mr. O'GORMAN. It proposes to confine the work of the judge who may be assigned from one district to another solely to the trial of causes. That is all we require. The Senator from Arkansas [Mr. CLARKE] had some objection to judges from other districts coming in and granting ex parte injunctions and appointing receivers. The only relief which is actually sought is the aid of judges from other districts to dispatch and dispose of pending litigation.

Mr. SUTHERLAND. Would the amendment prevent the judge temporarily assigned to the district from passing upon a demurrer, for example?

Mr. O'GORMAN. Not if it should arise in the trial of a cause. Such judge is vested with all the power possessed by a resident judge in the trial of a cause.

Mr. SUTHERLAND. The Senator, as I understand, says that the amendment simply limits the power of the judge so designated to the trial.

Mr. O'GORMAN. Yes.

Mr. SUTHERLAND. I would have some doubt about a judge having power under such a provision to dispose of any preliminary matter such as a demurrer.

Mr. CUMMINS. Such a judge certainly ought to have the power to make up the issue. He ought to have the power to hear a motion that may arise on the pleadings.

Mr. O'GORMAN. The issues are framed by the pleadings, and the only purpose of this legislation is to secure the aid of judges from other districts to go into districts where there may be an accumulation of business to aid in the trial of causes.

Mr. SUTHERLAND. Mr. President, I dislike to interfere with the passage of this bill, because I consider it a very important and a very necessary measure, but I think there is under the amendment proposed some danger of limiting the power of such a judge too much. We certainly do not want to provide by law that the judge can do nothing but try the case

when it may be quite necessary before the trial is entered upon to dispose of preliminary matters. It might, at any rate, raise some grave question as to the power of the judge.

Mr. O'GORMAN. The language, as I view it, is free from any doubt. We only need, particularly in the city of New York at this time, judges from other districts to try causes. The local judges can attend to the ordinary preliminary applications.

Mr. NELSON. Mr. President, if the Senator will yield to me, has he considered the question whether a judge under such circumstances would have the power, after the trial term was over, to sign a bill of exceptions? That is a very important matter. Would a judge from another district, coming there under the provisions of the pending bill to try a case, have a right after the trial to sign a bill of exceptions?

Mr. O'GORMAN. The fact is that the amendment suggested was the only one insisted upon by the Senator from Arkansas [Mr. CLARKE], although in the last paragraph of the bill there is a provision that a judge so assigned shall possess all the powers ordinarily conferred upon a resident judge.

Mr. NELSON. Is the Senator clear that he would have a right to sign a bill of exceptions?

Mr. O'GORMAN. Under that provision, yes. Perhaps, if the Secretary will read the bill, the objection may be found to be groundless.

Mr. SUTHERLAND. Before that is done let me make the further suggestion, in view of what the Senator from Minnesota [Mr. NELSON] has suggested, as to whether or not the judge would have the power to pass upon a motion for a new trial. The Senator from New York understands how important it is that the judge who tries the case should pass upon the motion for a new trial, if one is made.

Mr. O'GORMAN. Yes.

Mr. SUTHERLAND. Will we, by the language the Senator proposes to insert, so limit his power that he can not do that?

Mr. O'GORMAN. Whatever limitation is imposed upon the functions of the judge by the amendment suggested by the Senator from Arkansas is, in my judgment, absolutely neutralized by the last paragraph of the bill; and if Senators will allow the Secretary to read I think they will agree with me as to that. I ask that the Secretary read the bill, Mr. President.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That chapter 1, section 18, of the Judicial Code be amended by adding thereto the following:

"Whenever it shall be certified by any senior circuit judge of any circuit, or, in his absence, by the circuit justice of the circuit in which the district lies, that on account of the accumulation or urgency of business in any district court in said circuit it is impracticable to designate and appoint a sufficient number of district judges of other districts within the circuit to relieve such accumulation or urgency of business, the Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court, and to have and exercise within the district to which he is so assigned the same powers that are vested in the judge thereof: *Provided*, That such judge so designated and appointed shall have consented in writing to such designation and appointment: *And provided further*, That the senior circuit judge of the circuit within which such judge so designated and appointed resides shall certify, in writing, that the business of the district of such judge will not suffer thereby. Such appointment shall be filed in the clerk's office and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk to the judge so designated and appointed. Each of the said district judges may, in the case of such appointment, hold separately, at the same time, a district court in such district, and discharge all of the judicial duties of the district judges therein."

The VICE PRESIDENT. The proposed amendment will be stated.

The SECRETARY. The proposed amendment of the Committee on the Judiciary is, on page 2, line 2, after the word "powers," to insert "as to the trial of causes," so as to read:

The Chief Justice may, if in his judgment the public interests so require, designate and appoint the judge of any district court in another circuit to hold a district court, and to have and exercise within the district to which he is so assigned the same powers as to the trial of causes that are vested in the judge thereof.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. BRANDEGEE. Mr. President—

Mr. O'GORMAN. If there is any defect, it can be cured in conference.

Mr. BRANDEGEE. I desire to ask the Senator from New York if there would be any damage done by delaying this matter until the Senator from Arkansas [Mr. CLARKE] can be present?

Mr. O'GORMAN. No.

Mr. BRANDEGEE. I myself think if the amendment be adopted it will be a serious limitation upon the power of the judge who is sent to take the place of the local judge. The amendment would simply give him such power as the local

judge has in the trial of a cause and no power to rule upon possible amendments to the pleadings or on a motion to set aside the judgment or a motion for a new trial or any of the many interlocutory or subsequent motions which might arise. While I am not prepared to vote against the bill now, and should not do so, unless there is immediate necessity for its passage, I should prefer to have the Senator from Arkansas explain what he thinks the effect of the amendment will be.

Mr. O'GORMAN. I have no objection to the bill going over for the present.

The VICE PRESIDENT. The bill will go over.

Hour of Meeting to-morrow.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn until to-morrow at 2 o'clock in the afternoon.

The motion was agreed to.

EXPORTATION OF ARMS.

Mr. FALL. Mr. President, I desire to give notice that immediately after the morning business at the next session of the Senate I shall address the Senate on the joint resolution (S. J. Res. 43) to repeal the joint resolution of March 14, 1912, authorizing the President to prohibit the exportation of arms, and so forth. I give this notice subject to the consideration of the conference report on the Indian appropriation bill, not wishing to interfere with it.

Mr. MARTINE of New Jersey. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 27, 1913, at 2 o'clock p. m.

#### NOMINATIONS.

*Executive nominations received by the Senate June 26, 1913.*

##### CONSUL.

Nathaniel B. Stewart, of Georgia, now consul at Durban, to be consul of the United States of America at Milan, Italy, vice Charles M. Caughy, resigned.

##### COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Oliver P. Newman, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years, vice Cuno H. Rudolph.

F. L. Siddons, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years, vice John A. Johnston.

##### COMMISSION ON INDUSTRIAL RELATIONS.

Frank P. Walsh, of Missouri.

John R. Commons, of Wisconsin.

Mrs. J. Borden Harriman, of New York.

Frederic A. Delano, of Illinois.

Harris Weinstock, of California.

S. Thruston Ballard, of Kentucky.

John B. Lennon, of Illinois.

James O'Connell, of Washington, D. C.

Austin B. Garretson, of Iowa.

##### MINISTERS.

Albert G. Schmedemann, of Wisconsin, to be envoy extraordinary and minister plenipotentiary of the United States of America to Norway, vice Laurits S. Swenson, resigned.

Benton McMillin, of Tennessee, to be envoy extraordinary and minister plenipotentiary of the United States of America to Peru, vice H. Clay Howard, resigned.

##### SECRETARY OF EMBASSY.

J. Butler Wright, of Wyoming, now secretary of the legation at Brussels, to be secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice George B. Rives.

##### SECRETARY OF LEGATION.

Fred Morris Dearing, of Missouri, now Assistant Chief of the Division of Latin-American Affairs, Department of State, to be secretary of the legation of the United States of America at Brussels, Belgium, vice J. Butler Wright, nominated to be secretary of the embassy at Rio de Janeiro, Brazil.

##### COMMISSIONER OF IMMIGRATION.

Lawson E. Evans, of Mississippi, to be commissioner of immigration, San Juan, P. R., Department of Labor.

##### ISTHMIAN CANAL COMMISSION.

Richard Lee Metcalfe, of Nebraska, for appointment as a member of the Isthmian Canal Commission, provided for by act of Congress approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," vice Maurice H. Thatcher, resigned.

## UNITED STATES ATTORNEY.

Sammers Burkhardt, of New Mexico, to be United States attorney for the district of New Mexico, vice Stephen B. Davis, jr., resigned.

## PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Daniel Sparks Baughman to be assistant surgeon in the Public Health Service, to take effect from date of oath. (New office.)

James Burnett Laughlin to be assistant surgeon in the Public Health Service, to take effect from date of oath. (New office.)

Harry Michael Thometz to be assistant surgeon in the Public Health Service, to take effect from date of oath. (New office.)

## REGISTER OF THE LAND OFFICE.

Brice B. Hudgins, of Harrison, Ark., to be register of the land office at Harrison, Ark., vice William N. Ivie, term expired.

## PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Capt. Clifford J. Boush to be a rear admiral in the Navy from the 15th day of June, 1913.

Commander George F. Cooper to be a captain in the Navy from the 15th day of June, 1913.

Lieut. Commander Christopher C. Fewel to be a commander in the Navy from the 26th day of March, 1913.

Lieut. William V. Tomb to be a lieutenant commander in the Navy from the 9th day of November, 1912.

Lieut. Charles R. Train to be a lieutenant commander in the Navy from the 26th day of March, 1913.

Lieut. Hugo W. Osterhaus to be a lieutenant commander in the Navy from the 30th day of March, 1913.

Lieut. (Junior Grade) Edward D. Washburn, jr., to be a lieutenant in the Navy from the 23d day of March, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Edward J. Foy,  
Francis W. Rockwell,  
Arthur S. Carpenter, and  
Edmund W. Strother.

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 28th day of March, 1913:

James A. Bass, and  
Griffith E. Thomas.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 18th day of June, 1913:

George W. Calver, citizen of District of Columbia.  
John S. Saurman, citizen of District of Columbia.  
William W. Hargrave, citizen of Virginia.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1913:

Oscar Smith, jr.,  
Haller Belt,  
Edward H. Loftin,  
John E. Iseman, jr.,  
William C. Owen,  
Francis Cogswell,  
Schamyl Cochran,  
Philip Seymour,  
Charles M. Yates,  
William H. Pashley,  
Fred T. Berry,  
Ernest F. Buck,  
Selah M. La Bounty,  
William H. Dague, jr.,  
Paul J. Peyton,  
Harry H. Forgas, and  
Henry D. McGuire.

## POSTMASTERS.

## ALABAMA.

Henry I. Goff to be postmaster at Hartford, Ala., in place of John B. Daughtry, removed.

## ARKANSAS.

John E. Bradley to be postmaster at Warren, Ark., in place of Hiram F. Butler. Incumbent's commission expired January 22, 1913.

## CALIFORNIA.

James T. Clayton to be postmaster at Elsinore, Cal., in place of James T. Clayton. Incumbent's commission expired January 20, 1913.

## COLORADO.

Herbert D. Barnhart to be postmaster at Creede, Colo., in place of William C. Sloan. Incumbent's commission expired February 9, 1913.

Alexander Gray to be postmaster at Ordway, Colo., in place of Milton E. Bashor, resigned.

Judith Nichols to be postmaster at Ridgway, Colo. Office became presidential July 1, 1912.

## CONNECTICUT.

Patrick C. Cavanaugh to be postmaster at Burnside, Conn., in place of L. H. Forbes. Incumbent's commission expired June 22, 1913.

Thomas J. Quish to be postmaster at South Manchester, Conn., in place of Walter B. Cheney, deceased.

## DELAWARE.

Alfred Lee Cummins to be postmaster at Smyrna, Del., in place of Thomas Jefferson. Incumbent's commission expired January 9, 1912.

## GEORGIA.

H. O. Crittenden to be postmaster at Shellman, Ga., in place of Sarah J. Anthony. Incumbent's commission expired March 3, 1913.

## IDAHO.

Frank S. Harding to be postmaster at Weiser, Idaho, in place of Albert J. Hopkins. Incumbent's commission expired February 12, 1912.

H. E. King to be postmaster at Nampa, Idaho, in place of Claude H. Duval. Incumbent's commission expired June 25, 1913.

## ILLINOIS.

H. E. Buckles to be postmaster at Le Roy, Ill., in place of Earl D. Riddle, resigned.

Robert L. Cantrell to be postmaster at West Frankfort, Ill., in place of William A. Kelly. Incumbent's commission expired December 14, 1912.

August Droll to be postmaster at Troy, Ill., in place of Thomas Millett, jr. Incumbent's commission expired January 11, 1913.

James T. Hinds to be postmaster at Newman, Ill., in place of Moses S. Smith. Incumbent's commission expired June 16, 1913.

Dewey T. Queen to be postmaster at Auburn, Ill., in place of William W. Lowry. Incumbent's commission expired June 9, 1913.

Samuel Shockey to be postmaster at Ramsey, Ill., in place of Fred M. Stoddard, resigned.

## INDIANA.

Clarence E. Schaeffer to be postmaster at Howe, Ind., in place of James E. Zork. Incumbent's commission expired June 23, 1913.

Walter H. Smith to be postmaster at Versailles, Ind., in place of Joseph E. Gordon. Incumbent's commission expired January 13, 1913.

## IOWA.

Frederick S. Anderson to be postmaster at Stanton, Iowa, in place of Andrew F. Newquist. Incumbent's commission expired May 13, 1913.

Fred C. Boeke to be postmaster at Hubbard, Iowa, in place of William M. Boyland. Incumbent's commission expired March 1, 1913.

Harry A. Cooke to be postmaster at Eagle Grove, Iowa, in place of John Buchanan. Incumbent's commission expired January 11, 1913.

Edward L. Hall to be postmaster at Chelsea, Iowa. Office became presidential October 1, 1912.

Michael J. Harty to be postmaster at Lone Tree, Iowa, in place of J. M. Lee, resigned.

D. E. Horton to be postmaster at Lime Spring, Iowa, in place of Samuel H. Hall. Incumbent's commission expired May 11, 1913.

J. J. McDermott to be postmaster at Manilla, Iowa, in place of R. C. Saunders. Incumbent's commission expired January 26, 1913.

Charles S. Marshall to be postmaster at Deep River, Iowa, in place of Ross Grier, resigned.

## KANSAS.

F. W. Boyd to be postmaster at Phillipsburg, Kans., in place of Irwin C. McDowell, resigned.

W. B. Ford to be postmaster at Oskaloosa, Kans., in place of J. M. Gibbs. Incumbent's commission expired April 15, 1913.

George A. Griggs to be postmaster at Marquette, Kans., in place of Charles J. Nordstrom. Incumbent's commission expired February 4, 1912.

A. F. Hamm to be postmaster at Nortonville, Kans., in place of Almond P. Burdick. Incumbent's commission expired April 21, 1913.

Paul A. Jones to be postmaster at Coffeyville, Kans., in place of Joseph McCreary, removed.

Owen McLean to be postmaster at West Mineral, Kans., in place of James D. Smith, deceased.

R. A. Watt to be postmaster at Edna, Kans., in place of Frank W. Elliott. Incumbent's commission expired January 28, 1913.

#### KENTUCKY.

Mayme D. Cogar to be postmaster at Midway, Ky., in place of Charles W. Parrish, removed.

Sara W. Simms to be postmaster at Springfield, Ky., in place of William A. Waters, resigned.

Robert C. Stockton to be postmaster at Richmond, Ky., in place of Coleman C. Wallace, resigned.

#### LOUISIANA.

T. J. Perkins to be postmaster at De Quincy, La., in place of Hugo Naegle, declined.

#### MASSACHUSETTS.

James G. Cassidy to be postmaster at Sheffield, Mass., in place of E. A. Burch. Incumbent's commission expired December 14, 1912.

Joseph J. McMahon to be postmaster at Randolph, Mass., in place of Arthur W. Alden. Incumbent's commission expired June 14, 1913.

#### MICHIGAN.

George Arthur to be postmaster at Elkton, Mich., in place of Aaron Cornell, resigned.

William S. Drew to be postmaster at Augusta, Mich. Office became presidential October 1, 1912.

Joseph Fremont to be postmaster at Bad Axe, Mich., in place of George M. Clark, resigned.

John J. Galster to be postmaster at Boyne Falls, Mich. Office became presidential January 1, 1913.

Paul Harrison to be postmaster at Bloomingdale, Mich., in place of Gilbert H. Hudson. Incumbent's commission expired June 23, 1913.

Henry M. Jacobs to be postmaster at Hamtramck, Mich., in place of X. A. Jones, resigned.

George B. McIntyre to be postmaster at Fairgrove, Mich. Office became presidential January 1, 1911.

Perry H. Peters to be postmaster at Davison, Mich., in place of Lewis Gifford. Incumbent's commission expired April 9, 1910.

John J. Sleeman to be postmaster at Linden, Mich., in place of Alonzo B. Hyatt. Incumbent's commission expires June 26, 1913.

Charles A. Standiford to be postmaster at Athens, Mich., in place of Newton E. Miller. Incumbent's commission expired January 12, 1913.

#### MINNESOTA.

William H. Franklin to be postmaster at Dodge Center, Minn., in place of Peter J. Schwarg. Incumbent's commission expired January 27, 1913.

P. O. Fryklund to be postmaster at Badger, Minn. Office became presidential January 1, 1913.

Alfred W. Johnson to be postmaster at Sebeka, Minn., in place of John Anderson, resigned.

E. S. Scheibe to be postmaster at Cloquet, Minn., in place of Fred D. Vibert. Incumbent's commission expired January 22, 1913.

Louis A. Schwantz to be postmaster at Evansville, Minn., in place of J. T. Larson. Incumbent's commission expired February 11, 1913.

#### MISSISSIPPI.

Jonathan H. McCraw to be postmaster at Sardis, Miss., in place of David G. Dunlap. Incumbent's commission expired January 26, 1913.

Jesse D. Smith to be postmaster at Poplarville, Miss., in place of James J. Scarborough, resigned.

Nannie S. Smith to be postmaster at Batesville, Miss., in place of Laura M. Gowdy. Incumbent's commission expired February 9, 1913.

#### NEBRASKA.

Anton J. Ruzicka to be postmaster at Belgrade, Nebr. Office became presidential January 1, 1913.

#### NEW JERSEY.

David C. Brewer to be postmaster at Toms River, N. J., in place of W. Burtis Havens. Incumbent's commission expired December 18, 1911.

Patrick H. Ledger to be postmaster at Stockton, N. J., in place of Theodore S. Moore. Incumbent's commission expired May 11, 1912.

Ada B. Nafew to be postmaster at Eatontown, N. J., in place of Ada B. Nafew. Incumbent's commission expired January 14, 1913.

John A. Reddan to be postmaster at Hopewell, N. J., in place of Farley F. Holcombe. Incumbent's commission expired January 11, 1913.

H. G. Stull to be postmaster at Milford, N. J., in place of Charles G. Melick. Incumbent's commission expired June 25, 1913.

Harvey Thomas to be postmaster at Atlantic City, N. J., in place of Harry Bacharach, resigned.

#### NEW YORK.

James V. Crawford to be postmaster at Morristown, N. Y., in place of John M. Gilmour. Incumbent's commission expired January 11, 1913.

John E. Hoffnagle to be postmaster at Westport, N. Y., in place of Dana Brasted. Incumbent's commission expired January 11, 1913.

Henry D. Nichols to be postmaster at Mexico, N. Y., in place of Wilfred A. Robbins, resigned.

Joseph T. Norton to be postmaster at Allegany, N. Y., in place of Frederick S. Welch. Incumbent's commission expired April 1, 1913.

Frederick A. Ray to be postmaster at Herkimer, N. Y., in place of Daniel F. Strobel, resigned.

James J. Smith to be postmaster at Griffin Corners, N. Y., in place of Durward B. Kelly. Incumbent's commission expired December 16, 1912.

Gilson D. Wart to be postmaster at Sandy Creek, N. Y., in place of Melvin D. Herriman. Incumbent's commission expired February 20, 1913.

#### NORTH CAROLINA.

Finley T. Croom to be postmaster at Burgaw, N. C., in place of E. McN. Moore. Incumbent's commission expired May 29, 1912.

C. L. Harris to be postmaster at Thomasville, N. C., in place of Charles M. Hoover. Incumbent's commission expired March 1, 1913.

John V. Johnston to be postmaster at Farmville, N. C. Office became presidential October 1, 1911.

Samuel V. Scott to be postmaster at Sanford, N. C., in place of Samuel M. Jones. Incumbent's commission expired May 16, 1912.

F. L. Williamson to be postmaster at Burlington, N. C., in place of Jasper Z. Waller. Incumbent's commission expired March 1, 1913.

S. P. Wilson to be postmaster at Fairmont, N. C. Office became presidential January 1, 1912.

#### NORTH DAKOTA.

Pearl Miller to be postmaster at La Moure, N. Dak., in place of C. I. Hutchinson, resigned.

Frank Reed to be postmaster at Bismarck, N. Dak., in place of Agatha G. Paterson, removed.

Sophie Sherman to be postmaster at Donnybrook, N. Dak., in place of John King, resigned.

Charles A. Baker to be postmaster at Germantown, Ohio, in place of Harry M. Wolfe. Incumbent's commission expired June 12, 1913.

James M. Fitzpatrick to be postmaster at Bethel, Ohio, in place of George H. Willis, resigned.

Clarence A. Flanagan to be postmaster at Pleasant City, Ohio, in place of William D. Archer. Incumbent's commission expired May 8, 1913.

Charles C. Fowler to be postmaster at Canfield, Ohio, in place of Joseph R. Taber. Incumbent's commission expired February 9, 1913.

Andrew Hiss to be postmaster at Norwalk, Ohio, in place of Ford H. Laning. Incumbent's commission expired January 26, 1913.

Adam H. Meeker to be postmaster at Greenville, Ohio, in place of W. E. Halley. Incumbent's commission expired February 11, 1913.

Clate A. Wagner to be postmaster at Kenmore, Ohio. Office became presidential January 1, 1913.

#### OKLAHOMA.

Charles Amspacher to be postmaster at Apache, Okla., in place of Charles D. Campbell. Incumbent's commission expired March 20, 1912.

J. S. Barham to be postmaster at Wewoka, Okla., in place of Don R. Fraser. Incumbent's commission expired February 20, 1913.

Peter H. McKeown to be postmaster at Billings, Okla., in place of Joshua F. Ferris, resigned.

W. A. Prince to be postmaster at Crescent, Okla., in place of A. B. Holliday. Incumbent's commission expired December 17, 1912.

C. J. Woodson to be postmaster at Okarche, Okla., in place of A. J. Thompson. Incumbent's commission expired December 17, 1912.

## OREGON.

H. B. Ford to be postmaster at Bend, Oreg., in place of F. O. Minor. Incumbent's commission expired May 22, 1913.

## PENNSYLVANIA.

Finley H. Failing to be postmaster at Shinglehouse, Pa., in place of Arthur W. Briggs. Incumbent's commission expired April 15, 1913.

Thomas W. Gilroy to be postmaster at Norwich, Pa. Office became presidential April 1, 1913.

John H. Kensinger to be postmaster at Martinsburg, Pa., in place of Charles A. Straesser, resigned.

William A. Shear to be postmaster at Coudersport, Pa., in place of Martin Joerg, deceased.

Solomon H. Smith to be postmaster at Smithton, Pa., in place of George W. Torrence, resigned.

James F. Timlin to be postmaster at Taylor, Pa., in place of John P. Thomas. Incumbent's commission expired April 9, 1913.

## RHODE ISLAND.

Edward Reynolds to be postmaster at Harrisville, R. I. Office became presidential April 1, 1913.

## SOUTH DAKOTA.

James R. Fonger to be postmaster at Gary, S. Dak., in place of Arthur W. Bartels. Incumbent's commission expired February 9, 1913.

William J. Quirk to be postmaster at Kimball, S. Dak., in place of John B. Long, deceased.

## TENNESSEE.

Luke C. Peak to be postmaster at Jefferson City, Tenn., in place of Ira M. Colle, resigned.

## TEXAS.

S. Anderson to be postmaster at Knox City, Tex., in place of John E. Clarke. Incumbent's commission expired December 16, 1912.

Jefferson Johnson to be postmaster at Austin, Tex., in place of N. C. Schlemmer. Incumbent's commission expired June 14, 1913.

B. B. Lanham to be postmaster at Rockwall, Tex., in place of John N. Johnson. Incumbent's commission expired February 11, 1913.

W. E. McKay to be postmaster at Huntsville, Tex., in place of Mary S. Parish. Incumbent's commission expired March 29, 1913.

Lula E. Willis to be postmaster at Daingerfield, Tex., in place of D. H. McCoy. Incumbent's commission expired January 27, 1913.

## VERMONT.

C. M. Boright to be postmaster at Richford, Vt., in place of Alma H. Ayer. Incumbent's commission expired February 24, 1913.

## VIRGINIA.

George L. Roberts to be postmaster at Exmore, Va. Office became presidential October 1, 1911.

## WASHINGTON.

Preston F. Billingsley to be postmaster at Ephrata, Wash. Office became presidential July 1, 1910.

Jefferson P. Buford to be postmaster at Kelso, Wash., in place of William P. Ely. Incumbent's commission expired January 5, 1913.

Nellie B. Burke to be postmaster at Mansfield, Wash. Office became presidential October 1, 1912.

Mary Dillabough to be postmaster at Conconully, Wash., in place of Walter W. Cloud, resigned.

Charles E. Guiberson to be postmaster at Kent, Wash., in place of Lewis E. Hardy, resigned.

Theo Hall to be postmaster at Medical Lake, Wash., in place of Theo Hall. Incumbent's commission expired December 16, 1912.

Guy A. Hamilton to be postmaster at Leavenworth, Wash., in place of John C. Davis. Incumbent's commission expired February 9, 1913.

Howard W. Hare to be postmaster at Mabton, Wash., in place of Jesse T. Stewart, resigned.

Ethel R. Joslin to be postmaster at Port Orchard, Wash., in place of L. S. Pendleton. Incumbent's commission expired April 8, 1913.

Archie Manson to be postmaster at Cashmere, Wash., in place of Thomas Bollman. Incumbent's commission expired January 10, 1911.

Robert Montgomery to be postmaster at Puyallup, Wash., in place of G. W. Edgerton. Incumbent's commission expired December 16, 1912.

S. J. Mothershead to be postmaster at Edmonds, Wash., in place of Samuel F. Street. Incumbent's commission expired January 6, 1913.

Joseph O'Neill to be postmaster at Castlerock, Wash., in place of A. W. Carner. Incumbent's commission expired January 20, 1913.

Garrett R. Patterson to be postmaster at Malden, Wash., in place of James Cadzow, removed.

A. J. Peters to be postmaster at Deer Park, Wash., in place of Jacob T. Grove. Incumbent's commission expired January 28, 1913.

Jacob P. Pyles to be postmaster at Sumner, Wash., in place of De Witt C. Hostetter, resigned.

Harlan E. Rupp to be postmaster at Bothell, Wash. Office became presidential January 1, 1913.

Edwin Schauble to be postmaster at Kalama, Wash., in place of William H. Imus. Incumbent's commission expired May 18, 1913.

Benjamin L. Smith to be postmaster at Okanogan, Wash., in place of Harvey S. Irwin, resigned.

Martha E. Sprague to be postmaster at Ilwaco, Wash. Office became presidential January 1, 1913.

C. G. Thomas to be postmaster at Cle Elum, Wash., in place of F. W. Martin. Incumbent's commission expired January 28, 1913.

## WEST VIRGINIA.

Warren D. Cline to be postmaster at Williamstown, W. Va., in place of Paul H. Metcalf. Incumbent's commission expired January 11, 1913.

Oliver C. Sweeney to be postmaster at St. Marys, W. Va., in place of Joseph Williams. Incumbent's commission expired January 6, 1913.

## WISCONSIN.

Hedley G. Bannerman to be postmaster at Redgranite, Wis., in place of Altie B. Barnard. Incumbent's commission expired December 14, 1912.

Elizabeth Croake to be postmaster at Albany, Wis., in place of Louisa Whitcomb, resigned.

E. A. Drotning to be postmaster at Stoughton, Wis., in place of Christian A. Hansen. Incumbent's commission expired March 29, 1913.

Herman H. Fiedler to be postmaster at Cuba, Wis., in place of Joseph Longbotham. Incumbent's commission expired May 14, 1912.

John F. Flanagan to be postmaster at Oconomowoc, Wis., in place of John G. Garth, removed.

Agnes Scholl to be postmaster at Pewaukee, Wis., in place of James B. Weaver, resigned.

## WYOMING.

Elizabeth W. Kieffer to be postmaster at Fort Russell, Wyo., in place of John F. Crowley, resigned.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 26, 1913.*

## DIRECTOR OF THE CENSUS.

William J. Harris to be Director of the Census in the Department of Commerce.

## MINISTER.

John D. O'Rear to be envoy extraordinary and minister plenipotentiary of the United States of America to Bolivia.

## CONSUL.

Philip Holland to be consul of the United States of America at Basel, Switzerland.

## POSTMASTERS.

## ARKANSAS.

Charles C. Stewart, Greenwood.

## CONNECTICUT.

W. S. Clarke, Milford.

## ILLINOIS.

Alonzo Boren, Herrin.

W. E. Clayton, Johnston City.

Arthur M. Kloefer, Winnetka.

Joseph H. Knebel, Pocahontas.

F. Marion Martin, Noble.

Thomas J. Mowbray, Bradford.

Harry L. Reinhoel, Flat Rock.

Porter B. Simcox, Patoka.

## IOWA.

Frank Carpenter, Estherville.

Charles K. Coontz, Lineville.

David D. Darby, Hamburg.  
 Jacob S. Forgrave, Farmington.  
 Thomas Geneva, What Cheer.  
 Edward F. Glau, Charter Oak.  
 John W. Hanna, Winfield.  
 Charles W. Harris, Coin.  
 A. D. Hix, Zearing.  
 Bradley B. Hopkins, Forest City.  
 Eva Keith, Goldfield.  
 Thomas J. McCaffrey, West Bend.  
 Sam T. Manatt, Jr., Kalona.  
 Stephen C. Maynard, Grand Junction.  
 Charles N. Nelson, Bedford.  
 Robert M. Reid, Lake City.  
 Rudolph W. Schug, Strawberry Point.  
 Fred S. Stoddard, Jesup.  
 Bessie C. Swan, Story City.  
 A. E. Thomas, Buxton.

## KANSAS.

Frank S. Foster, Ellsworth.  
 John H. Shields, Wichita.  
 P. D. Spellman, Plainville.

## NEBRASKA.

Edward J. Brady, McCook.

## NEW JERSEY.

Samuel H. Chatten, Pennington.  
 John J. Foley, Bernardsville.  
 Joseph Mark, South River.

## NEW YORK.

Edwin Clute, Schenectady.  
 Jacob L. Hicks, Highland Falls.  
 Andrew Mealey, Greenwich.  
 Fred L. Merrell, Copenhagen.  
 W. S. Waterbury, Ballston Spa.

## NORTH DAKOTA.

T. H. Woldy, Edmore.

## OREGON.

C. W. Brown, Canyon City.

## WITHDRAWALS.

*Executive nominations withdrawn June 26, 1913.*

## MINISTER.

Meredith Nicholson, of Indiana, to be envoy extraordinary and minister plenipotentiary of the United States of America to Portugal.

## UNITED STATES MARSHAL.

Edward W. Exum, of Alaska, to be United States marshal for the District of Alaska, division No. 3.

## HOUSE OF REPRESENTATIVES.

THURSDAY, June 26, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we come to Thee with open hearts, praying that Thy spirit may enter in and abide with us, that we may be in harmony with Thee as we journey on toward the goal for which we all long in our better moments; a life so pure, so noble, so generous, so godlike, that the angels round the throne may join in the everlasting chorus, "Rejoice, for the Lord brings back His own." For Thine is the kingdom and the power and the glory forever. Amen.

## THE JOURNAL.

The Journal of the proceedings of Tuesday, June 24, 1913, was read.

The SPEAKER. If there be no objection, the Journal will be considered as approved.

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice that in the Journal it is recited that—

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows.

Then it recites the two privileged bills reported by the gentleman from New York [Mr. HARRISON] Tuesday on the floor.

Under clause 2 of Rule XIII, only those bills are reported which are not privileged and not entitled to be reported from the floor.

The SPEAKER. What is the clause under which they ought to have been reported? Is it clause 56—

Mr. MANN. Clause 56 of Rule XI, I believe. Those bills were reported on the floor as privileged bills.

The SPEAKER. Yes.

Mr. MANN. They do not belong under clause 2 of Rule XIII.

The SPEAKER. The gentleman is entirely correct.

Mr. MANN. I call attention to it, as the Clerk probably did not know, so that hereafter he may leave it out of the Record in that place where it does not belong, and not put it in the Journal.

The SPEAKER. The correction suggested by the gentleman from Illinois will be made, and as corrected, if there be no objection, the Journal will stand approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

## INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill, H. R. 1917, and ask that it be printed under the rule.

The SPEAKER. The gentleman presents a conference report for printing under the rule. The Clerk will report the title.

The Clerk read the title of the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The conference report and statement of the managers on the part of the House are as follows:

## CONFERENCE REPORT (NO. 28).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 5, 8, 13, 14, 16, 17, 19, 20, 22, 23, 24, 26, 30, 31, 38, 40, 41, 45, 46, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 12, 15, 18, 27, 32, 34, 37, 39, 42, 43, 44, 47, 48, 49, 52, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"Provided, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs or from the estate of such deceased Indian or deducted from the proceeds from the sale of the land of the deceased allottee or from any trust funds belonging to the estate of the decedent, the sum of \$15, to cover the cost of determining the heirs to the estate of the said deceased allottee, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein directed"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 1 of the proposed amendment, strike out the word "thorough"; and in lines 36 and 37 of the amendment, strike out the words "at the second session of" and insert the word "during"; and in line 43 of the proposed amendment, strike out "\$50,000" and insert "\$25,000"; and the Senate agree to the same.

Amendment numbered 11½: That the House recede from its disagreement to the amendment of the Senate numbered 11½, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "complete," insert the word "separate"; and the Senate agree to the same.

Amendment numbered 11¾: That the House recede from its disagreement to the amendment of the Senate numbered 11¾, and agree to the same with an amendment as follows: In line 15 of page 4 of the proposed amendment strike out the words "Sec. 2" at the beginning of the line; and in line 17 of page 4 of the proposed amendment strike out the words "Sec. 3" at the beginning of the line; and in line 1 of page 5 of the pro-

posed amendment strike out the words "Sec. 4" at the beginning of the line; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$325,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the words "the balance" and insert "\$50,000," and in lines 3, 4, and 5 of the proposed amendment strike out the words "or which shall hereafter be deposited to their credit, including the proceeds from the sale of surplus lands"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"Sec. 13. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, \$68,600; for general repairs and improvements, \$5,000; new buildings, \$15,000; in all, \$88,600."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, \$51,900; for general repairs and improvements, \$6,000; for water supply, \$1,600; for girls' dormitory, \$18,000; in all, \$77,500"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, \$35,200; for general repairs and improvements, \$5,000; for addition to barn, \$2,500; for dairy cows, \$1,000; in all, \$43,700"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 9 of the proposed amendment strike out the word "five" and insert "four" in lieu thereof; and in line 17 of the amendment strike out the period and insert a colon and the following: "Provided further, That the Secretary of the Interior is hereby authorized in his discretion to grant to settlers a preference right to purchase for 90 days from and after notice, at the appraised price, exclusive of improvements, such lands as were occupied by such settlers in good faith on January 1, 1913"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the amendment of the Senate insert the following: "That the Secretary of the Interior is hereby authorized in his discretion to extend each of the deferred payments on the town lots of the north addition to the city of Lawton, Okla., one year from the date on which they become due under existing law: *Provided*, That no additional extension shall be granted: *And provided further*, That no title shall issue to any such purchaser until all deferred payments, interest, and taxes have been made as provided in the act of March 27, 1908 (35 Stat., p. 49), and the act of February 18, 1909 (35 Stat., p. 637)"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the proposed amendment of the Senate, insert the following: "A commission consisting of two members of the Senate Committee on Indian Affairs, to be appointed by the chairman of said committee, and two Members of the House of Representatives, to be appointed by the Speaker, is hereby created for the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation and for the use and benefit of the

Indians of said reservation. That said commission shall have full power to make the investigations herein provided for, and shall have authority to subpoena and compel the attendance of witnesses, administer oaths, take testimony, incur expenses, employ clerical help, and do and perform all acts necessary to make a thorough and complete investigation of the subjects herein mentioned, and that said commission shall report to Congress on or before January 1, 1914: *Provided*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of the commission, shall be paid from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 3 of the proposed amendment insert the word "actually" after the word "land," and strike out "\$400" in line 7 of the amendment and insert "\$250" in lieu thereof, so as to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to purchase for the Skagit Tribe of Indians in the State of Washington the tract of land actually used by them as a tribal burial ground, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250, or so much thereof as may be necessary, to carry out this provision."

And the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"Sec. 26. On or before the 1st day of July, 1914, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs, which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on, the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures if, in his judgment, he shall deem it advisable.

"Annually, after July 1, 1914, a detailed statement of expenditures as hereinbefore described, shall be incorporated in the annual report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December.

"Before any appropriation for the Indian Service is obligated or expended, the Secretary of the Interior shall make allotments thereof in conformity with the intent and purposes of this act, and such allotments shall not be altered or modified except with his approval.

"After July 1, 1914, the estimates for appropriations for the Indian service submitted by the Secretary of the Interior, shall be accompanied by a detailed statement, classified in the manner prescribed in the first paragraph of this section showing the purposes for which the appropriations are required."

And the Senate agree to the same.

JOHN H. STEPHENS,  
C. D. CARTER,  
CHAS. H. BURKE,

*Managers on the part of the House.*

WM. J. STONE,  
H. L. MYERS,  
MOSES E. CLAPP,

*Managers on the part of the Senate.*

#### STATEMENT.

The department estimates for the fiscal year ending June 30, 1914, amounted to \$11,303,316.53.

The bill as it passed the House carried appropriations as follows:

Gratuity.....	\$7, 196, 860. 98
Reimbursable.....	1, 588, 700. 00
Treaty.....	625, 560. 00
Trust funds.....	454, 000. 00
Total.....	9, 865, 120. 98

The bill as it passed the Senate carried appropriations as follows:

Gratuity	\$7,738,272.17
Reimbursable	2,961,900.00
Treaty	625,560.00
Trust funds	464,500.00

Total 11,790,232.17

The bill as agreed upon in conference carries appropriations as follows:

Gratuity	\$7,242,559.67
Reimbursable	1,618,700.00
Treaty	625,560.00
Trust funds	562,575.07

Total 10,049,394.74

This is a reduction of \$1,740,837.43 over the bill as it passed the Senate and an increase of \$184,264.76 over the bill as passed by the House.

The Senate conferees have receded on the following amendments: 5, 8, 13, 14, 16, 17, 19, 20, 22, 23, 24, 26, 30, 31, 38, 40, 41, 45, 46, 50.

The House conferees have receded unqualifiedly on the following amendments: 1, 2, 3, 4, 6, 7, 9, 11, 12, 15, 18, 27, 32, 34, 37, 39, 42, 43, 44, 47, 48, 49, 52, 54.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 1. Is a decrease of \$20,000 in said appropriation and which will not be needed on account of amendment 2.

No. 2. Is a proviso that none of said appropriation shall be used for allotment work in New Mexico and Arizona.

No. 3. The words "and peyote" are stricken out for the reason that the Indians claim this peyote is used in their religious worship and would cause a great deal of contention.

No. 4. Is an increase of \$25,000 for the suppression of liquor among Indians, and from statements made it was badly needed.

No. 6. The provision covered by this amendment was in the wrong place in the paragraph and is changed to proper one by amendment 7.

No. 7. Merely places the proviso, as indicated by amendment 6, at the proper place in the paragraph.

No. 9. Is only to correct the phraseology.

No. 12. Changes the phraseology.

No. 15. Is for the completion and repair of a road in the Hoopa Valley Indian Reservation, Cal., and which has heretofore been appropriated for.

No. 18. Does not carry an appropriation, but provides that any Indian allottee on the Fond du Lac Reservation in Minnesota who has not received 80 acres of land as an allotment may now take additional acreage to amount to said 80 acres.

No. 27. Is to correct the totals.

No. 32. Does not carry any additional appropriation, but provides that said attorney shall be designated by the Secretary of the Interior.

No. 34. Is a much needed appropriation to ascertain if the lands embraced in Sullys Hill Park, N. Dak., contain valuable minerals.

No. 37. That the Apache prisoners of war who were recently released from the Fort Sill Military Reservation, Okla., and who elected to stay in Oklahoma, and an appropriation heretofore made to purchase deceased Indian allotments in Oklahoma for them, may be allotted their land so purchased.

No. 39. Is an appropriation of \$10,000 for the purpose of completing the appraisal and classification of the coal and asphalt lands of the Choctaw and Chickasaw Nations in Oklahoma, so that the surface may be sold.

No. 42. Is for the purpose of setting aside four sections of land belonging to the Choctaw and Chickasaw Nations and to be used for sanatorium purposes for the benefit of said tribes.

No. 43. Provides that no contract made with any Indian, where such contract relates to tribal funds or property in the hands of the United States, shall be valid for payment for services rendered in relation thereto unless the consent of the United States shall be previously given.

No. 44. Appropriates \$500 out of the tribal funds of the Choctaw Nation for the purpose of erecting a monument to the memory of Green McCurtain, late deceased chief of the Choctaw Nation, and appropriated at request of said nation.

No. 47. To reimburse Eugene H. Baldwin for traveling expenses incurred by him under instructions of the Indian Office in returning to his home.

No. 48. Strikes out a \$50,000 appropriation for irrigation.

No. 49. Does not carry additional appropriation, but provides for additional 50 pupils at the Cushman Indian School in Washington.

No. 52. Provides for reimbursement to the Colville Indians for certain lands.

No. 54. To withhold the sale of the timber on the Bad River Reservation in Wisconsin.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 10. Requires that an amount not to exceed \$15 may be charged against the estate of a deceased Indian for the purposes of defraying expenses to determine the rightful heirs.

No. 11. Provides for the appointment of a joint commission to be composed of three Members of the Senate and three Members of the House of Representatives, to investigate and recommend changes in the administration of Indian affairs.

No. 11½. To enable the Secretary of the Interior to employ an expert accountant for the purpose of preparing a complete separate fiscal and financial history of each of the Five Civilized Tribes.

No. 11½. Is for the purpose of making an exchange of lands in Colorado and now owned by the Indians for lieu lands so that some historic grounds may be perpetuated or created into a park and in accordance with a treaty heretofore made.

No. 21. Is a much needed increase for continuing the construction of the irrigation system on the allotted lands of the Indians on the Flathead Reservation in Montana.

No. 25. Appropriates \$50,000 out of the tribal funds now on deposit in the Treasury to the credit of the Blackfeet Tribe of Indians in Montana to be used for the promotion of civilization and self-support among said Indians.

No. 28. An increase of attendance from 300 to 400 pupils at the Indian school in Albuquerque, N. Mex., and an increase of \$2,000 for much needed improvements in caring for said increase of pupils.

No. 29. An increase of \$2,000 for much needed improvements at Sante Fe (N. Mex.) Indian School.

No. 33. Provides for increase of attendance and care of said pupils at Wahpeton (N. Dak.) Indian School.

No. 35. Authorizes the Secretary of the Interior to sell the unused and unallotted or remnant lands belonging to the Kiowa, Comanche, Apache, and Wichita Indians in Oklahoma, and the proceeds thereof to be used for the maintenance of a hospital heretofore appropriated for and for the use and benefit of said Indians; also it gives the actual settlers a prior right to purchase at the appraised value.

No. 36. Provides for an extension of time to purchasers of certain town lots sold in Lawton, Okla., for a term of one year and upon the payment of interest due.

No. 51. Provides for a joint commission consisting of two Members of the Senate and two Members of the House of Representatives to investigate the necessity and feasibility of procuring impounded waters, and for irrigation on the Yakima Indian Reservation in the State of Washington; also the feasibility of equipping and maintaining a tuberculosis hospital in New Mexico.

No. 53. For the purchase of a tract of land for the Skagit Indians used by them as a burial ground.

No. 53. Requesting the Secretary of the Interior to establish a system of bookkeeping in the Indian Bureau in order to give more detailed information in regard to the expenditures of money for said bureau.

JNO. H. STEPHENS,

C. D. CARTER,

CHAS. H. BURKE,

*Managers on the part of the House.*

Mr. MANN. Mr. Speaker, as I understand, this conference report has first to be acted on in the Senate.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. It is expected that it will be disposed of in the Senate to-day?

Mr. STEPHENS of Texas. I understand they intend to try to dispose of it to-day. That is the intention of those in charge of it.

Mr. MANN. Is it the intention of the gentleman from Texas to ask for a session of the House to-morrow?

Mr. STEPHENS of Texas. I think it would be advisable to have a session to-morrow for the purpose of disposing of this conference report.

Mr. MANN. Has that been determined upon?

Mr. STEPHENS of Texas. It has not. It is advisable to dispose of this conference report so that the bill may go to the President, as the 1st of July is next Tuesday.

Mr. MANN. I asked the question while a large number of Members were present, so that we might be informed if it had been determined upon.

Mr. STEPHENS of Texas. It has not, because we do not know what the Senate will do.

## ROADS.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent that all bills which have heretofore been introduced relating to the construction and maintenance of roads, which were referred to various committees before the Roads Committee was created, may be returned to the Speaker and let him refer them de novo to the proper committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. SHACKLEFORD. Yes.

Mr. MANN. Is there not some way of ascertaining the numbers and titles of the bills? How could the gentleman's object be attained without the record showing the numbers and titles of the bills?

Mr. SHACKLEFORD. There are some 50 of them, and it occurred to me that if the Speaker could get them back from the committees to which they have been referred, they could then be referred to the appropriate committee.

The SPEAKER. The Chair wishes gentlemen would speak so they can be heard.

Mr. MANN. How will the Speaker know what bills they are unless he has at least the numbers of them?

Mr. SHACKLEFORD. There is some force in the suggestion of the gentleman from Illinois.

Mr. MANN. Of course no one has any objection to the gentleman's proposition, but it seems to me that it would be desirable, in order to protect the employees of the House, for some one to get the numbers of these bills.

Mr. SHACKLEFORD. Mr. Speaker, I will withdraw the request for the present.

The SPEAKER. The Chair will state that if any of the committees have bills that ought to go to the Roads Committee they can bring them into the House and have a change of reference made, as is frequently done.

## LEAVE OF ABSENCE.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent that the leave of absence of my colleague, Mr. MANAHAN, be extended for three weeks, on account of important business.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the leave of his colleague, Mr. MANAHAN, be extended for three weeks, on account of important business. Is there objection?

There was no objection.

## BIRTHDAY OF HON. SERENO E. PAYNE.

The SPEAKER. While there is nothing in the rules to justify it, the Chair will take the privilege of extending congratulations to the distinguished gentleman from New York, the Hon. SERENO E. PAYNE, the father of the House, on having reached his seventieth birthday in such fine kelter, both mentally and physically. [Applause.]

Mr. PAYNE. Mr. Speaker, I desire to thank the Speaker of the House for this kindly recognition and kind congratulations, and also to thank the Members of the House for the manner in which it has been received by them.

The most prominent thought that comes to me on this my seventieth birthday in connection with the House is the fact that I have seen so much of good in my fellow men, that I have seen so many men in this House during the 30 years which I have been a Member, on both sides of the aisle, without distinction of party, who appear to me to be honest, patriotic, able, trying to do according to the light they had the duty that was before them, and striving for what each one thought was for the best interests of the country. The thought that comes to me to-day is one of gratitude that I have had the opportunity of associating with so many men of that high character who have become lifelong friends during the years I have been here. [Applause.]

## PROVIDING EXPENSES OF DISTRICT OF COLUMBIA VETERANS TO GETTYSBURG.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House joint resolution appropriating \$4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

*Resolved, etc.,* That to defray the traveling expenses of all honorably discharged soldiers of the Civil War and of all soldiers of the Confederate armies who rendered honorable service therein, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the Fiftieth Anniversary of the Battle of Gettysburg, to be held at Gettysburg July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of

the revenues of the District of Columbia, the sum of \$4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission consisting of the Secretary of War; Col. Thomas S. Hopkins, past commander of the Department of the Potomac, Grand Army of the Republic; and Capt. D. B. Mull, ex-commander of a post in Georgia, United Confederate Veterans, residents of the District of Columbia. That said commission is authorized to adopt such rules for the determination of the persons entitled to the transportation hereunder as they may deem proper.

The SPEAKER. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

## CONFEDERATE REUNION AT BRUNSWICK, GA.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that House joint resolution 98, introduced by my colleague, Mr. WALKER, providing for the loaning of tents for the Confederate reunion, to be held at Brunswick, Ga., be taken up for immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

## Joint resolution 98 (H. Rept. 26).

*Resolved, etc.,* That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in the month of July, 1913, such tents, with necessary poles, ridges, and pins as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and J. G. Weatherly, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said J. G. Weatherly a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

Mr. FOWLER. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. HOWARD. Mr. Speaker, I want to request—

The SPEAKER. That is the end of it. A Member has the right to object to anything that is called up by unanimous consent, without giving any reason whatever.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of both of these resolutions which have been called up this morning and to which objection has been made.

The SPEAKER. The gentleman from Illinois asks unanimous consent that both of these resolutions be considered by unanimous consent. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I made objection to the first one a while ago.

The SPEAKER. That is true; but this is a new request.

Mr. CALLAWAY. Mr. Speaker, I make the same objection now.

Mr. MANN. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. CALLAWAY. I will reserve the objection for a moment; yes.

The SPEAKER. The House will be in order. The Chair requests the occupants of the gallery to be in order. They are here by courtesy of the House. A conversation between two or more occupants of the gallery, however unthoughtfully it may be indulged in, if indulged in generally throughout the gallery, adds very much to the confusion in the House.

The gentleman from Illinois is recognized.

Mr. MANN. Mr. Speaker, I have much the same feeling that the gentleman from Texas [Mr. CALLAWAY] has in reference to the expenditures of the public money on matters of this sort; and yet it has become the practice of Congress, whether right or wrong, to loan tents under the control of the War Department for the meeting of Union or Confederate soldiers. In the last Congress the Senate added an amendment to a resolution relating to that matter, providing that it should never be done hereafter, to which the House disagreed. That is one proposition. This resolution is called up at this time and unless acted upon now will undoubtedly result in the failure of the meeting of a few or more Confederate veterans at this particular place.

On the other hand, there is this meeting at Gettysburg of Union and Confederate veterans. Nearly all of the States have already provided for the payment of the traveling expenses of these Union and Confederate veterans to Gettysburg. The State of Pennsylvania and the National Government combined have provided for their care, support, feeding, sleeping, and all other accommodations while at Gettysburg. The resolution introduced by my colleague [Mr. FOWLER] involves the possible expenditure of \$4,000. That is probably more than can be expended for this purpose to send those Union and Confederate veterans who live in the District of Columbia to Gettysburg, as is done elsewhere by the States. We have heard a great deal on different occasions in this House about a reunited country, especially

since the Spanish War, and it seems to me that at this time, on the first occasion recognized by the General Government where Union and Confederate veterans are asked to meet together upon a bloody battlefield, as an evidence of final and complete reconciliation of themselves and of the different parts of the country, we might well authorize the expenditure of \$4,000 to send these old men over to Gettysburg. Soon they will go over the road to the far beyond and we will be at no further expense on their account, and I hope the gentleman from Texas will permit these resolutions to be considered by the House at this time. [Applause.]

The SPEAKER. Is there objection?

Mr. CALLAWAY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—  
To Mr. BARTHOLDT, indefinitely, on account of illness in his family;

To Mr. HELVERING, for 10 days, on account of important business;

To Mr. BEALL of Texas, indefinitely, on account of illness in his family.

To Mr. HAYDEN, for three days, on account of important business.

#### UNITED STATES JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

Mr. BARTLETT. The bill is on the Speaker's table, is it not?

Mr. CLAYTON. No; it was taken from the Speaker's table and referred to the Committee on the Judiciary. I brought the report in this morning, but it has not yet gone through the basket. Hence, it is a matter that requires unanimous consent. It is the Philadelphia judgeship matter. My proposition is to disagree to the two amendments which the Senate placed upon the bill, one of which strikes out the Cullop amendment requiring the President to give the names of the indorsers of a judge, and the other being a provision for the appointment of an additional circuit judge in the fourth circuit. Now, the Committee on the Judiciary has disagreed to both the Senate amendments, and I am simply asking unanimous consent that the matter may be—

Mr. BARTLETT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. CLAYTON. Certainly.

Mr. BARTLETT. Mr. Speaker, I am not going to object to the gentleman's request; of course I would not, I very rarely do so; but because I do not object I do not want to be put in the position of consenting to the disagreement to the Senate amendment in striking off what is known as the Cullop amendment. I would like very much to vote on that as I voted when it was offered. I voted against it, and I am prepared to vote against it at all times and on all occasions.

Mr. CLAYTON. It will be so construed—

Mr. BARTLETT. I do not want to object.

Mr. CLAYTON (continuing). The gentleman's position is well known and appreciated, and the conference committee, if it is authorized, will report back to the House.

Mr. DONOVAN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. Mr. Speaker, I wish to reserve the right to object. I desire to call the attention of the House to this: For some reason, which the ordinary man can not understand, there is this determined concerted action to have added an additional judge to our retinue of judges in these United States. If they had the interest of the administration of justice at heart, they would fill the vacancy that now exists instead of adding an additional one. A judge died several months ago, nearly a year, and yet there is no effort on the part of these very able gentlemen to fill the vacancy, but for political purposes, and you can attribute it to that and nothing else, they are determined to get another judge in that district. Mr. Speaker, I object.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] objects.

Mr. CLAYTON. I hope the gentleman is happy since he has delivered himself.

Mr. DONOVAN. Mr. Speaker, I rise to a parliamentary inquiry, and that is that the distinguished gentleman from Alabama should address the Chair in addressing the House.

The SPEAKER. Well, the Speaker has no control over the gentleman from Alabama when he is making a private remark to some of his cronies.

Mr. CLAYTON. May I again observe I hope the gentleman from Connecticut is happy?

Mr. DONOVAN. Mr. Speaker—

Mr. BARTLETT. Mr. Speaker, regular order.

The SPEAKER. The regular order is the gentleman from New York [Mr. HARRISON].

Mr. HARRISON of New York. Mr. Speaker, I will withhold my motion for a moment in order that the gentleman from Florida may prefer a request.

#### CHANGE OF REFERENCE.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent that this bill may be referred to the District of Columbia Committee.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3380) providing for the construction of a bridge across the Anacostia River in the District of Columbia.

The SPEAKER. The gentleman from Florida asks unanimous consent for a change of reference of that bill to the District of Columbia Committee.

Mr. MANN. From what committee?

Mr. CLARK of Florida. From the Committee on Public Buildings and Grounds. It is a bill providing for the construction of a bridge across the Anacostia River here in the District.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### PROHIBITION OF THE IMPORTATION OF OPIUM.

Mr. HARRISON of New York. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1966.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 1966) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

Mr. HARRISON of New York. Mr. Speaker, pending the putting of that motion, I wish to ask unanimous consent for the limiting of general debate.

Mr. PAYNE. Mr. Speaker, I will say to the gentleman I do not know of any opposition to the bill on this side of the House, as no gentleman has asked me for any time. I think if the gentleman will move to go into the Committee of the Whole House on the state of the Union the debate will exhaust itself very soon.

Mr. HARRISON of New York. Under those circumstances I will withdraw my request.

Mr. MANN. Mr. Speaker, I may say that I have some observations to make on the bill, and I shall object to any agreement to close the time.

Mr. GARDNER. Mr. Speaker, I should want to have an opportunity to discuss a provision of section 7, in regard to the penalty.

Mr. MANN. The gentleman has withdrawn his request.

Mr. HARRISON of New York. I withdraw my request.

The SPEAKER. Has the gentleman come to any conclusion?

Mr. HARRISON of New York. No.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 1966.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1966, a bill to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, with Mr. SIMS in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. HARRISON of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON of New York. Mr. Chairman, before we proceed to the discussion of the bill itself, I wish to yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I want to say to the gentlemen of the committee that certain publications in various papers of the country this morning do myself and various Members of the majority side a grave injustice, I think. Because certain Members of the majority side, and a majority of those Members, are opposed to a particular plan of establishing a budget committee, these papers have seen fit to classify us as "pork-barrel" statesmen. For one, I do not rest very lightly under that charge. I recall when only two gentlemen on this side of the Chamber were heard at all to protest against a certain bill that some of us regarded as unwise in some of its provisions, that those two gentlemen were the gentleman from New York [Mr. FITZGERALD] and myself. I have never been on one of these so-called "pork-barrel" committees. I have never tried to get through, and have never been concerned in any such movement, either special or general, in this House, if, indeed, there has been such a movement.

Mr. Chairman, it is absolutely unfair and unjust to me and to many of the gentlemen who voted the same way as I did on this question to contend that because we opposed a particular proposition that would concentrate unheard-of power in certain gentlemen on this side we are opposed to any reasonable, just, and fairly constructed budget-committee plan. There was one fatal defect in the budget-committee plan that these newspapers referred to. There was absolutely no check whatever on the appropriating committees of this House under the plan presented by the gentleman from Alabama [Mr. UNDERWOOD], and if his plan had been adopted and the Committee on Military Affairs, for instance, through its representatives on the budget committee, combined with the Committee on Naval Affairs and the Committee on Post Office and Post Roads, and so on—all the appropriating committee representatives, in other words, combined against the few Members provided who are not members of appropriating committees, there could easily have been organized a "hog combine" that would have been the worst this country has ever seen. In my judgment, before this House will ever consent to a budget committee there must be some balance provided between the appropriating committees and nonappropriating committees of this House. It was utterly unfair to the gentlemen who had been elected to committees under a caucus rule that they should not serve on any other committee, that they should attempt to put themselves on the most powerful committee in this House, under the action proposed to the caucus. If we can have a budget committee that is fairly constructed, that will have practically the powers proposed by the gentleman from Alabama [Mr. UNDERWOOD], and that will not concentrate in the hands of one man the two most important chairmanships in this House, and the members of which can be elected in a free and open caucus without strings of any sort tied to them and without previous nomination from any committee, then I am for a budget committee.

But never will I support a proposition of the kind reported to the Democratic caucus yesterday by the gentleman from Alabama [Mr. UNDERWOOD], because if we were to adopt such a proposition it would result in an intolerable concentration of power and authority in the hands of the gentleman from Alabama and just a few other men; that is most undemocratic, most unreasonable, and most unjust. We would have enthroned a system of czarism beside which Cannonism would have been a most benevolent and liberal system.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield to me for an interruption?

Mr. HARDWICK. With pleasure.

Mr. DONOVAN. Is the distinguished gentleman from Georgia washing his dirty office linen here?

Mr. HARDWICK. I do not see how dirty Democratic linen would interest the gentleman from Connecticut. [Laughter.]

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. HARDWICK. No; not for such a purpose. I do not see how the washing of dirty Democratic linen could hurt the feelings of the gentleman from Connecticut. My only wonder is that he should be on the Democratic side at all. [Laughter.]

Mr. DONOVAN. Mr. Chairman, will the gentleman from New York [Mr. HARRISON] yield to me for a couple of minutes?

Mr. HARRISON of New York. I do not want to do any discourtesy to the gentleman from Connecticut, but I would like very much to proceed with the legislation in hand.

Mr. DONOVAN. The gentleman refuses to yield?

Mr. HARRISON of New York. I do not like to be put in the position of refusing to yield.

Mr. CLAYTON. Mr. Chairman, may I say that I hope we are all happy now? [Laughter.]

Mr. MANN. I will assure the gentleman from Connecticut that he can get time later on.

Mr. HARRISON of New York. Mr. Chairman, the bill H. R. 1966 is reported by the Committee on Ways and Means by a unanimous vote of the committee. It is the second one of a series of three bills attempting to regulate the traffic in opium and other narcotics both at home and between our country and foreign countries.

I thought that perhaps the use of a little narcotic talk just now might be useful on our side, and that is why I refused to yield a moment ago to the gentleman from Connecticut [Mr. DONOVAN].

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Connecticut?

Mr. HARRISON of New York. I will yield for a question with pleasure.

Mr. DONOVAN. Oh, I do not simply want to ask a question. I can appreciate, though, that the intellectual gentleman from New York [Mr. HARRISON], as well as the distinguished character who appears in this House as a Representative from Georgia [Mr. HARDWICK], with all their intellect, may have much to fear from what I might say. [Laughter.]

The CHAIRMAN. Does the gentleman from New York yield?

Mr. HARRISON of New York. Mr. Chairman, I will yield with pleasure for a question, but the gentleman does not now ask me to do so.

The CHAIRMAN. The gentleman from New York will proceed.

Mr. HARRISON of New York. Mr. Chairman, as I was stating, this is the second one of our series of three bills to regulate the traffic in narcotics. This bill deals with the international side of the question. It is a reenactment of the opium-exclusion act of February 21, 1909, with the addition of some more drastic provisions, and with a further provision prohibiting the exportation of opium from the United States under certain circumstances.

The matter was first called to the attention of the Congress during the sitting of the International Opium Commission, which met in Shanghai in 1909, and which was attended by the representatives of most of the leading powers of the world. The meeting was instigated by the United States for the purpose of putting an end, if possible, to the international traffic in opium.

Shortly after we acquired the Philippines we found that the people of those islands were suffering very much from the traffic in opium, and that is what caused us to start this series of international commissions and conventions. We found, however, that although the commissions met primarily at our request we ourselves were open to some reproach in these matters, inasmuch as we permitted the importation of smoking opium into the United States, and during the preceding 50 years we had actually collected about \$27,000,000 of revenue upon this drug. So when that was called to the attention of Congress we passed the opium-exclusion act, which absolutely forbade the importation of smoking opium into the United States. That went into effect on April 1, 1909.

It was soon found that it was difficult to enforce that act, and that the smuggling of smoking opium, beginning on the 1st of April, 1909, had been growing ever since, in spite of all the efforts of the Government to stop it; and this act is designed to cure the defect in the opium-exclusion act and to stop that smuggling.

The committee hopes to effect that purpose in two respects. One of these is in casting the burden of proof upon anybody who has any smoking opium in his possession in the United States to show that it was imported before April 1, 1909, the date after which such importation was prohibited. Now, the reason why that became necessary was because the smugglers, by a very ingenious device, contrived to take the stamps off the containers and fill the containers with smuggled opium and put the stamps back again, and then sell it as if it had been imported legally before the 1st of April, 1909.

It was difficult, if not impossible, to secure the evidence to refute the face value of the stamp itself. This bill proposes to cast the burden of proof upon the possessor of smoking opium in that respect.

Then there is another way in which the opium-exclusion act was found to be inefficient. As soon as the importation of smoking opium was absolutely prohibited, it was found that vessels were bringing it into San Francisco Harbor, and in the harbor transferring it to other vessels which would go down to the west coast of Mexico, and then it would come into

the United States in great quantities overland. The matter was submitted to the Department of Justice for its decision, and the Attorney General, who was Mr. Wickersham at that time, gave an opinion that this practice, so far as it related to the transshipment from ship to ship in San Francisco Harbor, was not illegal, because there was no importation there. The importation was forbidden, and no importation was actually taking place there. So the Secretary of the Treasury issued a regulation that all this opium was to be transhipped and gotten out of our harbors within 15 days; but the smuggling went on.

Now, this act, in a manner which I will discuss when we come to that, proposes to put an end to that also, by forbidding absolutely anybody within the jurisdiction of the United States, upon any vessel or any railroad car, or any conveyance coming into the United States, having any smoking opium in his possession; casting the burden of proof on him to show that he did not obtain it illegally, and providing penalties for the infraction of the act.

There is just one other matter that I should like to discuss very briefly now in the general debate, and that is the question of the prohibition of the exportation of opium from the United States.

The committee to which the bill was referred gave a great deal of consideration to the constitutional question, namely, as to whether we have any constitutional right to prohibit the exportation of anything, and some time was devoted by members of the committee to a study of the law, to see if any precedents could be found affecting that constitutional question.

We discovered that there are no adjudications exactly in point, and there is certainly no decision of the Supreme Court which would prohibit this clause of the bill as being unconstitutional. So, in the absence of any unfavorable decisions by the courts, we proceeded upon the belief that the commerce clause of the Constitution is sufficiently broad to permit us, in the regulation of commerce, to prohibit exportations absolutely. There are dicta of the court in the Northern Securities case which state clearly what I believe we all know, that the commerce clause of the Constitution is very broad, and that in the application of it laws may be passed which do amount to the prohibition of exports.

Now, although it may not be exactly in point, it has been the custom, as gentlemen are well aware, to prohibit the exportation from the United States of various articles which are known as contraband of war during times of foreign disturbance. Generally we have proceeded in that matter under neutrality treaties, but in the case of our dealings with Mexico last year a joint resolution passed the Congress, in which no limit was placed as to countries with which we had neutrality treaties; but a general permission was given to the President of the United States to prohibit the exportation of arms and munitions of war whenever any internal disturbance exists in any American country. Certainly, if that act was constitutional, I am satisfied that this act is constitutional. The House, as I recollect, amended that resolution by extending the prohibition to the exportation of coal as well as munitions of war.

The embargo act of 1807 absolutely forbade exportations at all, and I have never heard the constitutionality of that act questioned.

Further in point, perhaps, may be the prohibition found in the law against the exportation of obscene literature and other offensive matters through the mails.

Mr. MILLER. Will the gentleman yield for a question?

Mr. HARRISON of New York. With pleasure.

Mr. MILLER. This act forbids the exportation of smoking opium. I should like to know to what countries that exportation from this country now goes on.

Mr. HARRISON of New York. It is improbable that any smoking opium is legally exported from the United States to any country, and almost all the civilized countries of the world prohibit its importation; but I am informed that we do export medicinal opium and other narcotics in some quantities to Canada, Mexico, and perhaps to some of the South American countries, as well as the West Indies.

Mr. MILLER. Is it intended by this prohibition to permit the exportation of medicinal opium?

Mr. HARRISON of New York. It is an absolute prohibition of the exportation of smoking opium and a qualified exportation of medicinal narcotics to those countries which regulate or prohibit those articles.

Mr. MILLER. Why would it not be a good thing to allow the exportation of smoking opium and get rid of it and let it be banded about on the high seas?

Mr. HARRISON of New York. That is the precise object the international convention set out to accomplish to get rid of

opium all over the world, and these clauses of the bill I am discussing are put in in conformity to article 4 of last year's convention for that very purpose.

Mr. MILLER. Has the committee thoroughly considered the prohibition of exports? It seems to me that it is not parallel at all between articles which are contraband of war and opium or anything else.

Mr. HARRISON of New York. That was the question which I was discussing when the gentleman from Minnesota first interrupted me.

Mr. MILLER. I thought the gentleman had concluded.

Mr. HARRISON of New York. I have practically concluded; I had only one other matter to call to the attention of the committee, and that was the so-called white-slave act known as the Mann bill, prohibiting the exportation of persons for immoral purposes; that perhaps is in point in the legal consideration of the question.

Mr. MILLER. Does that prohibit the exportation of such a person?

Mr. HARRISON of New York. It does.

Mr. MILLER. But a person is not a commodity, if the gentleman will permit.

Mr. HARRISON of New York. I think if that is constitutional, the other is, whether it is a person or commodity which is exported. The law seems to be clear that you can not put a tax or impost upon exports themselves, and in conformity to that state of the law we struck out of the third of our narcotic bills all reference to exporters, because that bill proposed to collect a license tax on exporters. A review of the authorities convinced the committee that a license tax on an exporter might be construed to be a tax on the exports themselves. So we struck that out. This, however, is based on the commerce clause of the Constitution, and I think that clause regulating commerce is sufficiently broad to allow us to prohibit the export, which is what this bill proposes to do.

Mr. Sisson. Will the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. Sisson. I was not here when the bill was taken up. Is this H. R. 6202 or H. R. 1966?

Mr. HARRISON of New York. The latter.

Mr. Sisson. Is it the purpose of the bill to raise revenue?

Mr. HARRISON of New York. The purpose of the bill can hardly be said to raise revenue, because it prohibits the importation of something upon which we have heretofore collected revenue.

Mr. Sisson. The gentleman bases the right of Congress to make this legislation upon the interstate-commerce clause of the Constitution?

Mr. HARRISON of New York. I do.

Mr. Sisson. Does the gentleman believe that the regulation of interstate commerce under the decisions of the Supreme Court will permit a law to absolutely prohibit commerce entirely?

Mr. HARRISON of New York. The gentleman is submitting a question as to the interstate-commerce clause to which I have given as much attention in this connection as the question of the foreign commerce. If he will permit me to read the language of the court in the Northern Securities Cos. against the United States, One hundred and ninety-third United States—

Mr. Sisson. I am familiar with the decision, but I do not know to what particular portion the gentleman refers.

Mr. HARRISON of New York. I have here a brief excerpt which I will read:

By the express words of the Constitution—

Says Justice Harlan—

Congress has power to regulate commerce with foreign nations and among the several States and with the Indian tribes. In view of the numerous decisions of this court, there ought not at this day to be any doubt of the general scope of such power. In some circumstance regulation may properly take the form of and have the effect of prohibition. Again and again this court has reaffirmed the doctrine announced in the great judgment rendered by Chief Justice Marshall for the court in *Gibbons v. Ogden* (9 Wheat., 1, 196 and 197), that the power of Congress to regulate commerce among the States and with foreign nations is the power "to prescribe the rule by which commerce is to be governed; that such power is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution"; that "if, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States"; that a sound construction of the Constitution allows to Congress a large discretion "with respect to the means by which the powers it confers are to be carried into execution, which enables that body to perform the high duties assigned to it in the manner most beneficial to the people"; and that if the end to be accomplished is within the scope of the Constitution "all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, are constitutional."

Mr. SISSON. If the gentleman will permit, I am familiar with the doctrine in that case, but in this bill are you not seeking to do under one clause of the Federal Constitution what is specifically prohibited in another clause of the Constitution, to wit, to levy an export duty? In other words, are you not endeavoring under the interstate commerce clause of the Federal Constitution to levy an export duty, which is a direct violation of another clause of the Constitution?

Mr. HARRISON of New York. We are not proposing to levy any impost or duty. We are prohibiting the export. We are not attempting to collect revenue, but to regulate commerce.

Mr. SISSON. I am endeavoring to get the distinction which is suggested sotto voce by my friend from Texas [Mr. GARNER], how it is that you have no right to levy an export duty on an article and at the same time you have a right to prohibit the exportation of that article.

Mr. HARRISON of New York. One clause of the Constitution relates to the raising of revenue, and that we are not attempting to change; and the other clause of the Constitution gives us police power by giving us control of our foreign commerce.

Mr. SISSON. The gentleman now gets at the point of the case. Does the gentleman believe that the Constitution construed as a whole ever contemplated that Congress would exercise either of these powers in the exercise of a police power? The purpose of this bill—and we are all in sympathy with it—is to prevent the use of opium in the United States, destructive as it is of human happiness and human life; but the question now is whether or not the purpose you desire to reach is a purpose that would be permitted under any clause of the Constitution?

Mr. GARNER. Mr. Chairman, may I interrupt there?

Mr. HARRISON of New York. Certainly.

Mr. GARNER. Is not this about the status of this particular phase of this bill, that you propose in this bill to prohibit the exportation, but do not propose to levy an export duty, and that the courts have never specifically determined that you could not prohibit exportation?

Mr. HARRISON of New York. Not only that. Not only have they not so decided, according to my reading of the decisions, but the matter has actually been already done by acts of Congress in the cases which I specified in my remarks.

Mr. SISSON. I understand, however, that the real purpose of the bill is to regulate among the people the manner in which they may get opium. That is the real purpose of the bill.

Mr. HARRISON of New York. Among the different peoples of the world, in this case.

Mr. SISSON. But the principal purpose of the bill is as it affects the people of the United States. You are not attempting to legislate for the other nations of the world.

Mr. HARRISON of New York. I admit it would be presumptuous for us to attempt to legislate for any other country, but the gentleman is perhaps now thinking of the third one of the bills which deals with the domestic traffic in narcotics. We are at present considering the second bill, which is merely carrying out pledges that we assumed in the last international convention, substantially all of the countries agreeing to enact similar provisions.

Mr. SISSON. I am in entire sympathy with the bill, but I would like to be able, if I could do so, to get from the committee, and especially from the gentleman who has charge of the bill, the exact position which the committee assumes, so that we may be able, if the question is raised, to defend it upon constitutional grounds.

Mr. HARRISON of New York. I know no Member of this House who would be better able to make that defense if he be convinced of the constitutionality of it than the gentleman from Mississippi, and I had hoped that by this time I had convinced him.

Mr. SISSON. I will be very frank with the gentleman and say that I did not hear all of his argument, because I was endeavoring to read the bill. I see the difference between the bills, and the bill now under consideration is the bill to regulate the opium traffic between nations or between our Nation and other nations. In our effort to reach a desired result we are attempting under the interstate-commerce clause of the Constitution, which permits us, of course, to deal with foreign nations, to bring about a certain result. It is under that clause only that we can deal with foreign nations, that being prohibited to the States. Now, that being true, if you, in reference to opium, shall prohibit the exportation of opium entirely from the United States, upon the same reasoning why could you not prohibit the exportation of other articles?

Mr. HARRISON of New York. Well, I consider that was actually done under the second administration of Mr. Jefferson in the embargo act.

Mr. SISSON. Well, the embargo act was placed, however, as I conceive it, upon a different principle; but there is this in many of the decisions of the court, that the regulation of these things which are deleterious to the human family is peculiarly within the powers of the State if it affects them internally, and so far as external relations of the United States are concerned, I do not know of a decision where the Supreme Court has said that if the use of those articles should be deleterious in international affairs that the delegated powers to the Federal Government would give the Federal Government today a right to do what the States may do under their police powers.

Mr. HARRISON of New York. Well, I should like to call the attention of the gentleman from Mississippi once more to the line of argument which, perhaps, escaped his attention—that the question of exportation of arms and munitions of war, which he contends is not in point because they are generally based upon neutrality treaties, was not so based in the joint resolution which passed Congress last year in relation to the importation of those articles into Mexico, because that resolution, presented to the Senate by the senior Senator from New York, one of the most distinguished lawyers in the United States, who drew it, specifically gave the President the power to prohibit the exportation of those articles, without any reference by name to neutrality treaties but whenever cases of internal disorder in any American country are found to exist, and that I conceive to be broad enough to be in point in this argument.

Mr. SISSON. I recollect the resolution referred to by the gentleman from New York, but I do not know I am in entire sympathy regarding the conclusions reached by the Senator from New York; but this thing is largely to be determined by the viewpoint that we take of the Federal Constitution. Some of the political schools give it a very broad construction, and those who belong to the school to which I belong would give it a restrictive construction; and I believe that restrictive construction of the Constitution would, perhaps, except to a war measure, prevent that sort of legislation, though it has been done and there has been no question raised. But I desire to state to the gentleman from New York I am in entire sympathy with the purposes of the bill, but I have some grave doubts about its constitutionality.

Mr. GARDNER. May I ask the gentleman from Mississippi a question?

Mr. SISSON. Yes.

Mr. GARDNER. Under what clause of the Constitution does the gentleman think the importation of impure teas is forbidden, or obscene literature.

Mr. SISSON. There is a difference between the constitutionality of a provision in reference to imports and exports. The Congress specifically has the power to levy a tax upon imports.

Mr. GARDNER. But not to prohibit imports?

Mr. SISSON. I do not believe that Congress has the right to prohibit imports.

Mr. PAYNE. I want to say to the gentleman right now that a party has got about \$20,000 worth of tea that is about to be dumped into the Hudson because of our law prohibiting the importation of any impure tea.

Mr. SISSON. True; I will say to the gentleman from New York—

Mr. PAYNE. And there is a good chance for a lawsuit there.

Mr. SISSON. That may be true—

Mr. PAYNE. And none of their lawyers have discovered that law was unconstitutional or raised that question. They have raised every other question, and the litigation has been going on for a long time.

Mr. SISSON. I will say to the gentleman from New York, notwithstanding the fact we may now be compelled to submit to whatever decision the court makes in reference to that matter, I am not willing to concede the righteousness of the decision under the Constitution.

Mr. PAYNE. I helped pass the law—I think I reported it—and I thought it was right to do it under that clause giving us power to regulate commerce. It certainly was not under the clause allowing us to put an import tax upon teas or any other articles because that is specific.

Mr. SISSON. The difference between the gentleman from New York and myself is as to the construction of the word "regulate." As to whether the word "regulate" can be construed to mean "prohibit" or not is a question that has been discussed for a number of years.

Mr. PAYNE. We thought it was a proper construction when we passed that law, and no one has raised the constitutional question, although there is a case now under it that has been in litigation for three years.

Mr. BURNETT. Has not the court decided time and time again that the word "regulate" does not mean "prohibit"?

Mr. Sisson. I want to say to the other gentleman from New York that my reason for raising this question is this: If under the guise of a bill of this character Congress shall assume the right to prohibit the exportation of articles from the United States, it sets a precedent where the discretion of Congress then becomes the constitutional provision rather than the limitation within the Constitution itself.

Mr. PAYNE. No. The court determines that question as to whether Congress has the discretion or not. Congress may exercise what they believe to be their right, but the court finally determines it.

Mr. Sisson. I do not concede that Congress has the right to pass any law with the idea that the court will put us right. We ought to be right ourselves before the court puts us right. I doubt extremely whether or not it is ever wise for the Supreme Court of the United States—and I agree with Jefferson—to so declare, when we ought to have construed it for ourselves.

Mr. PAYNE. Congress was early given that right, that it might be construed by able lawyers.

Mr. Sisson. I will say to the gentleman from New York that before the Supreme Court ever did reach that conclusion it took the reasoning of Justice Marshall, who had as much ingenuity as any lawyer who ever lived; and I have failed, in all the powerful reasoning of his mighty brain, to find one single peg on which to hinge it, and the gentleman knows that was the cause of the breach between Jefferson and the then Chief Justice of the Supreme Court of the United States.

Mr. PAYNE. Whatever the cause, I thank God for John Marshall.

Mr. MANN. Will the gentleman from New York [Mr. PAYNE] permit me to ask a question of the gentleman from Mississippi?

Mr. PAYNE. I will.

Mr. Sisson. I will answer the question if I can.

Mr. MANN. I understood the gentleman to raise a question as to how far Congress had the power to provide for the importation of articles and denied that Congress had that power. Of course, the gentleman is familiar—although I presume it escaped his attention for a moment—with the fact that the pure-food law absolutely forbids the importation into this country of any article of food from any country which forbids the importation of the same article into that country, on the same lines as this opium bill now before the House, but reversed.

Mr. Sisson. The opium bill takes the other end of that.

Mr. MANN. I say, reversed. That law has been sustained by the Supreme Court of the United States in every particular, and, I think, determines the question.

Mr. Sisson. I do not exactly agree with the statement that when you take the reverse of the proposition it necessarily follows that the reverse of the proposition is true.

Mr. MANN. That may be, but I had understood the gentleman to say that we did not have the power to prevent the importation of articles into this country.

Mr. Sisson. No; I did not say that.

Mr. MANN. I thought that the gentleman was misunderstood.

Mr. Sisson. No. I was taking the position that we did not have the same power over exportation that we did over importation, and that if this bill shall establish the precedent that Congress may not levy an export tax but that Congress may prevent the exportation of articles, you are doing by indirection what the Constitution says you can not do directly. In other words, Congress is doing a great deal more and going a great deal further when Congress prohibits the exportation of an article than when Congress simply levies an export tax on an article.

Mr. MANN. Then will the gentleman from Mississippi permit me to quote again from the pure-food law, which has been sustained?

Mr. Sisson. Certainly.

Mr. MANN. The law provides: "The shipment to any foreign country of any article of food or drug which is adulterated or misbranded within the meaning of this act is hereby prohibited"; and then there is a penalty provided for doing it.

Mr. Sisson. That is because they are misbranded. In other words, there is a great deal of difference between the regulation of commerce and a prohibition on commerce.

Mr. MANN. But here is a prohibition of the shipment abroad of misbranded or adulterated articles.

Mr. Sisson. That is true.

Mr. MANN. If the gentleman raises the question whether we could properly forbid the exportation of grain under ordinary circumstances, I would not discuss it with him, because I am uncertain. But opium stands on another ground.

Mr. Sisson. I will say to the gentleman from Illinois [Mr. MANN] that I am absolutely sure that the law, which simply regulates and requires an article to be properly branded, is

sound and valid, and I believe we could have gone further than that and could have provided to make it apply to clothing, for example, and forbid an article of clothing to be branded as all wool when it was part cotton. That provision to which the gentleman refers forbids the misbranding of articles.

Mr. MANN. It goes beyond misbranding. It forbids the exportation of certain kinds of articles, whether properly or improperly branded. It forbids their exportation. It forbids the exportation of a drug that has opium in it.

Mr. Sisson. I am frank to say that the pure-food law has gone to the very limit, if it has not exceeded the originally construed powers of the Constitution.

Mr. MANN. Most of the gentlemen on that side of the House thought it did exceed the limit when we were passing the bill, but fortunately there were enough on this side, along with some on that side, to pass the law, and the Supreme Court has upheld it.

Mr. Sisson. I am afraid, however, that the infection has gotten over on this side of the House, and that there are very few people now who believe that there is anything prohibited to Congress in the Constitution, or who refuse to admit that Congress may not do anything on earth that it wants to.

Mr. MANN. The wisest and best man is he who is willing to learn. Fortunately gentlemen on that side of the House, or at least some of them, are willing to learn. I am sure the gentleman from Mississippi [Mr. Sisson] would be, and I know that the gentleman from New York [Mr. HARRISON] is.

Mr. Sisson. I will say to my friend from Illinois that "as long as the light holds out to burn" we may, perhaps, get some good lessons into the minds of our good Republican friends, and you may eventually acquire some respect for the Constitution.

Mr. HARRISON of New York. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 20 minutes remaining.

Mr. HARRISON of New York. I reserve the balance of my time, Mr. Chairman.

Mr. MANN. Mr. Chairman—

Mr. RODDENBERRY. Mr. Chairman, before the gentleman from Illinois [Mr. MANN] proceeds, may I ask the gentleman from New York a question?

Mr. HARRISON of New York. With pleasure.

Mr. RODDENBERRY. Of course, if the gentleman from Illinois prefers to proceed now, I can do that later. Section 4, line 15, provides that—

Whenever on trial for violation of this section, the defendant is shown to have or have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

That language is identical with the language appearing in section 2; but immediately following the language in section 4 is a proviso beginning "Provided, however." What is the object of putting in the "Provided, however," clause in view of the provision just preceding?

Mr. HARRISON of New York. The provision in section 4, which, as the gentleman from Georgia correctly states, is the same provision to be found in the old law and in section 2 of this bill, refers to "any person subject to the jurisdiction of the United States who shall have or conceal," and so forth, "any opium upon any railroad train or vessel," and the proviso which limits the operation of this burden of proof is extended to the master of the vessel or the conductor of the railway car, so that he is permitted to show that he did not have knowledge that he was not privy to the crime.

Mr. RODDENBERRY. The language "unless the defendant shall explain the possession to the satisfaction of the jury," as it exists in the line just above, would not that give him the right of proof and the right of judgment or acquittal as fully as the clause following "Provided, however," does?

Mr. HARRISON of New York. I do not know whether it would be a sufficient protection for him, since he might be made to suffer for the crime of another, because the language of the lines 12 and 13 requires the persons who have knowledge to make report to the master of the vessel or the conductor of the train, and I think he is entitled to this special exemption in view of that.

Mr. RODDENBERRY. If the person having the knowledge of the presence of the opium on the vessel discloses that fact to the master of the vessel, then if the master of the vessel can explain his conduct to the satisfaction of the jury his rights will be preserved, will they not?

Mr. HARRISON of New York. Yes.

Mr. RODDENBERRY. Now, if the person having knowledge of the presence of the opium on the vessel or the car does not communicate it to the master of the vessel or the person in charge of the car, would not the provision as to making a satisfactory explanation to the jury be covered without the proviso?

Mr. HARRISON of New York. That might be true if it were not for the further provisions of section 8, which is a reenactment of the existing navigation laws as to manifesting commodities on board vessels. The officers of the vessel are liable for having an article on board the vessel if it is not manifested.

Mr. RODDENBERRY. Would not the gentleman's observation be true if it were not for this specific provision in section 4:

Whenever on trial for violation of this section the defendant is shown to have or to have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

Mr. HARRISON of New York. That is correct. The gentleman's contention is right.

Mr. RODDENBERRY. Of course, everyone desires to see a defendant given every proper right, but you have left it to be adjudged by the jury on the facts, and I doubt if we should provide for him a cumulative defense. And it seems to me that the provision with reference to the defendant explaining the possession to the satisfaction of the jury leaves a wide discretion in the jury, and under it the jury will be the judge in every case, each case standing on its own merits, whether or not the defendant should be convicted.

This section provides to give the defendant that right, and in addition thereto specifically provides that if he shall satisfy the "jury that he had no knowledge, and that he used due diligence to prevent the presence of such article in or on such carrier," and so forth. What occurs to me is that it extends the special form and privilege of defense which, if placed in this section, should apply to every other section, and if it applies to this statute should be applicable to similar statutes generally.

Mr. HARRISON of New York. Mr. Chairman, I appreciate the force of the argument of the gentleman from Georgia; but when we are proceeding in a manner which probably rather horrifies the legal Members of this body, to destroy the ordinary presumption of innocence in a criminal proceeding, I think it is only due to the persons from whom their presumption of innocence is taken by the operation of this bill, that they be given an opportunity, even if it is a cumulative opportunity, to explain away that burden of guilt.

Mr. RODDENBERRY. I do not want to consume the gentleman's time, or to extend a controversy, for I have no controversy with him; but I should like to pursue my inquiry a little further.

Mr. HARRISON of New York. With pleasure.

Mr. RODDENBERRY. If it was not provided under the section as it now exists that the defendant could make this defense, I should quite agree with the gentleman. But under the section, without the additional provision, if the master of the vessel shows the use of due diligence to prevent the presence of such article, and so forth, the jury under the law, if they think the explanation satisfactory, may acquit without this proviso.

Mr. HARRISON of New York. I have already said to the gentleman from Georgia that it might not be necessary to make any special mention of the master of the vessel or the conductor of the railroad train, if it were not for the fact that the statute casts upon him the burden of knowing something which he may not be able to discover. He may become involved in the wrongdoing of another without any offense of his own.

Mr. RODDENBERRY. If he sets up that defense and explains it to the satisfaction of the jury, would he not have a complete defense without this proviso?

Mr. HARRISON of New York. If the gentleman's argument is correct and my argument is wrong, the most that can be said of this proviso is that it is a redundancy, a pleonasm; and even if the gentleman is correct in his contention, there is nothing here that offends his sense of right or justice.

Mr. RODDENBERRY. I do not know but that I will agree with the gentleman in that, with the additional statement that without the proviso it leaves the jury the widest latitude, and with the provision it restricts the jury, or rather instructs the jury.

Now I will ask this question: In similar statutes does the gentleman have a knowledge of any provision such as is contained, beginning in line 20, down through the page?

Mr. HARRISON of New York. Section 2, page 2, lines 18 to 23 is all existing law, being a part of the opium exclusion act of February 21, 1909. That is the precedent for which the gentleman was inquiring.

Mr. RODDENBERRY. "Provided further," on page 3, line 20, and what follows it?

Mr. HARRISON of New York. No; I know of no precedent for that; it is an extension of the same principle.

Mr. RODDENBERRY. Does this "provided, however" clause appear in the bill as it was introduced in the House in the first instance?

Mr. HARRISON of New York. It does.

Mr. RODDENBERRY. I know the gentleman has looked into the matter, and I desire to call attention to it and reflect my own views. I am of opinion that that provision should be stricken from the bill; but unless it was manifestly apparent that other gentlemen had similar views, I would not take up the time to make a motion to that effect.

Mr. HARRISON of New York. Now, Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has nine minutes remaining.

Mr. GARDNER. Mr. Chairman, the minority members of the committee unanimously favor the enactment of this bill. We feel that the bill is constitutional. We considered that question very carefully and came to the same conclusion as did the majority.

There is only one matter on which I at all disagree with the gentleman from New York, and that is in respect to section 7 of the bill. Under section 7 of the bill one-half of the fine or one-half of the bail forfeiture goes to the informer. I suggest to the gentleman from New York the question as to whether it would not be wise to limit that provision in some way so that no officer or employee of the United States should be rewarded as an informer. It seems to me it is a step backward to pay a Government inspector for information which results in a successful prosecution. I have read what the gentleman from New York says in his report, and I am aware of the slackness of some inspectors, but does the gentleman think that this is the proper way to encourage inspectors to do their duty?

Mr. HARRISON of New York. The gentleman from Massachusetts, of course, discussed this question in the committee and reserved to himself the right to oppose on the floor upon this point, which I understand he would have had anyway. The question, I believe, was not voted on in committee, although there were some gentlemen present who apparently agreed with the gentleman from Massachusetts. If the gentleman from Massachusetts will present an amendment when the time comes, I would be glad to have him express his opinion.

Mr. GARDNER. I will read the amendment which I contemplate. Will the gentleman please think it over?

Mr. HARRISON of New York. May I remark right there that the gentleman did not state very fully the reason for the proposition of giving half of the fee to the informer. Under the provisions of section 2 of the bill the opium when seized is destroyed, and there is no fund on hand from which informers could be paid, unless it is provided that they may be paid from the fine itself. I understand that the gentleman from Massachusetts contends that should not apply to Government officials, but it is only fair to the framers of the bill to state in what way it might apply to other informers.

Mr. GARDNER. I intended to state the case fully. When I reserved my right to raise the question on the floor of the House, I had not yet read the gentleman's report. The gentleman in his report says:

Under the February act opium prepared for smoking may not be sold after seizure to the highest bidder, but must be destroyed. Therefore, the Treasury Department has no fund from the sale of the seized opium with which to reward vigilant inspectors or informers, and this has led to some slackness on the part of the inspectors.

Now, it seems to me that is the wrong way to go about the matter, to pay your inspectors for doing their duty by encouraging them to become informers. Perhaps it may be necessary to encourage informers. However, I do not think we ought to encourage our inspectors to become informers. I shall suggest at the end of section 7 to add this proviso:

*Provided*, That no payment under section 7 shall be made to any officer or employee of the United States.

If that is satisfactory I will be glad to have the gentleman offer that amendment.

Mr. HARRISON of New York. Amendment is not in order at the present time.

Mr. GARDNER. I understand that, but I mean at the proper time. I reserve the remainder of my time.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the Chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive

departments," for the disposition of useless papers in the Treasury Department.

#### PROHIBITION OF THE IMPORTATION OF OPIUM.

The committee resumed its session.

Mr. MANN. Mr. Chairman, I would like to inquire if the gentleman from Connecticut [Mr. DONOVAN] now desires any time?

Mr. DONOVAN. Mr. Chairman, I thank the gentleman for his courtesy, but I do not at this time. The distinguished gentleman whom I hoped to entertain intellectually has departed from the room.

Mr. MANN. Mr. Chairman, this is one of the real measures of reform, and I am again glad to congratulate the gentleman from New York [Mr. HARRISON] upon his introduction of the series of bills, which have been reported from the Committee on Ways and Means, designed to prevent the manufacture of smoking opium in the United States, designed to prevent the importation of smoking opium into the United States or the exportation from the United States, and designed to regulate the sale and manufacture of opium, cocaine, and so forth, in the United States. Habit-forming drugs are one of the worst evils in our country, and while I am not sure that the provisions of these bills even go far enough, they probably go as far as could profitably or properly be expected at this time. I had the honor to introduce the original bill preventing the importation of smoking opium, and while the bill which I introduced was not the one which was passed, still it was the occasion for obtaining a favorable report from the Committee on Ways and Means, which did not desire to have its jurisdiction interfered with and which preferred to report a bill rather than to have a motion which I had made to take it away from the committee come up; and the bill passed. Gentlemen now say in their report that it has not been fully effective. I presume that is true; but I congratulate myself upon the fact that I happened to be in a position at the time where I was asked to introduce the original bill, which in the first place was prepared by the State Department, as I presume these bills have been, in part at least. I think it is Dr. Wright, in the State Department, who has been doing work under the General Government for years in relation to the international traffic in opium.

That, however, Mr. Chairman, is not the only bill which I congratulate myself upon having the honor to have introduced. The prevention of the importation of smoking opium and the control of narcotic drugs is of great importance; but there is another measure to which I wish to direct the attention of the House for a moment, which I had the honor to present to the House, and that is the white-slave-traffic bill, a law now upon the statute books, supported, I am glad to say, by the distinguished gentleman now occupying the position of Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Tennessee [Mr. SIMS], who was one of two Democrats on the Committee on Interstate and Foreign Commerce who favored the bill, notwithstanding the constitutional objections which were made to it by the other Democratic members of that committee. Judge Russell, of Texas, a Member of the House at that time, and Mr. SIMS both stood favoring that bill. Judge Russell, of Texas, then a member of that committee, had the honor afterwards to write an opinion holding the bill to be constitutional, and he told me of a conversation which afterwards occurred, when he came back on the floor of the House while on a visit in the city of Washington. One of the other Democratic members of that committee, who had declared that the bill would be declared unconstitutional if enacted, had a conversation with Judge Russell, and the judge said to him, "Ah, but that bill has been held by the courts to be constitutional." The other gentleman said, "But by what courts? I have not heard of it." Judge Russell replied, "By my court; I have written the opinion"; and I am proud, Mr. Chairman, that he had the honor of doing it. The Supreme Court upheld Judge Russell.

But, Mr. Chairman, in order to make a law effective it must first be put upon the statute books, it must be constitutional, and it must be enforced by the administrative officers through the aid of the courts; and when we find that the chief law officer of the country and the Chief Magistrate of the country have permitted themselves to be used to prevent the enforcement of a great moral reform law like this we have a right to make inquiries and give consideration to the case. We are all familiar with the telegram sent to the President of the United States upon the 21st day of this month by the United States district attorney of the northern district of California, Mr. McNab, tendering his resignation for the reasons stated in his telegram.

The President on June 24, after he had waked up from his dream, through the activity of the people of the country with-

out regard to partisan politics, accepted the resignation of Mr. McNab, and in the course of his telegram accepting the resignation he made these remarks:

I greatly regret that you should have acted so hastily and under so complete a misapprehension of the actual circumstances, but since you have chosen such a course and have given your resignation the form of an inexcusable intimation of injustice and wrongdoing on the part of your superior, I release you without hesitation and accept your resignation to take effect at once.

"Have given your resignation the form of an inexcusable intimation of injustice and wrongdoing on the part of your superior officer!" And the Attorney General, in writing a letter to the President, said:

Mr. McNab, as United States attorney, held a position of peculiar trust and confidence, demanding the utmost loyalty to the department. If, as such an officer should do, he had availed himself of the opportunity to send a dispatch recalling my attention to the peculiar conditions which he thought rendered the proposed action inadvisable, as I had always theretofore done—

That is poor English, by the way—

I should have given earnest consideration to his suggestions, and, with this before me, could have acted with the local conditions fresh in my mind. Instead of pursuing this manifestly proper course he waited until June 20, and then published the sensational telegrams wherein he imputed base motives to me. His conduct has, of course, made it impossible for him to continue in the prosecution of this case.

"Wherein he imputed base motives to me!" Let us see what were the facts in the case. On May 16 the Attorney General wired to Mr. McNab asking him to make a full report of these cases. That reply was made under date of May 21, and reached the Attorney General on May 27. On May 27 the Attorney General wired to Mr. McNab, approving the course which he had pursued and asking to proceed with the cases. On June 18 a former distinguished colleague of ours, the Secretary of Labor, telephoned to the Attorney General and asked to have this case postponed. What the date of the telegram from the Attorney General to Mr. McNab was is not given, but it could not have been before June 18 or after June 20. It must have been June 18 or June 19 that the Attorney General directed Mr. McNab to continue these cases. The Attorney General received the telephone message from Mr. Wilson on June 18. The President received the resignation of Mr. McNab on June 20, but meanwhile the Attorney General had directed Mr. McNab to postpone the cases, and then the Attorney General says:

Instead of pursuing this manifestly proper course, he waited until June 20.

"He waited until June 20!" That is a pretty hasty place up in the Attorney General's office to say he waited before he did what he did. Here the district attorney, receiving the telegram on June 19 from the Attorney General, replied to it with his resignation on June 20, and the Attorney General blames him because he waited so long to pursue his remedy!

But did Mr. McNab accuse the Department of Justice of wrongdoing or impute base motives to the Attorney General? He did not. What was the telegram of resignation which Mr. McNab sent? Remember that there were two cases pending in the district court of the northern district of California, one against a man by the name of Diggs and one against a man by the name of Caminetti for violation of the white-slave act under circumstances and conditions, if the facts charged are true, which would make men blush that they are men. Caminetti was a youthful boy of 27 years, with, I believe, several children, and it was desirable to have his father at the trial to protect him in his guileless innocence, having only seven lawyers to do so, and his father not being a lawyer, I presume. Well, they say his father is a lawyer, probably the same kind I am—has been admitted to the bar. His father had been appointed Commissioner General of Immigration, one of the duties of which office is to enforce both the Mann and the Bennett white-slave laws in reference to the deportation of aliens brought here for the purposes of prostitution, a fine man to place in that position, whose principal object is to leave his office in order to go to the side of his 27-year-old son under trial for a white-slave offense. Is he a proper man to be in charge of the decision of questions as to the deportation of aliens brought here for the purposes of prostitution? And the district attorney, McNab, charges the Department of Labor, the Bureau of Immigration, and the Department of Justice with refusing to deport some alien prostitutes.

And I demand that they shall make public the information which has been sent by Mr. McNab to either one of the departments on this subject, so that we and the public may determine whether there has been any other crooked work in reference to the deportation of these prostitutes. Mr. McNab received his order to continue these two cases. And, by the way, there were two cases. These men, both married, had run off with two young girls, less than 20 years of age, but each one was in-

dicted separately. What reason was given or is given by anyone for the postponement of the trial of the Diggs case? Was Mr. Diggs with his seven attorneys also in the need of the influence and advice of father Caminetti? Why should the Diggs case be postponed? They were two separate cases. The district attorney had warned the Attorney General that every effort would be made to prostitute justice, to perjure witnesses, to buy away the witnesses, to thwart the ordinary administration of law, and then the district attorney sends a telegram to the President.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. I yield.

Mr. KAHN. Has the gentleman seen the statement from the United States attorney at San Francisco, published in the papers this morning, that on three separate and distinct occasions he called the fact to the attention of the United States Attorney General that there was danger of perversion of justice by reason of the fact that his witnesses were being tampered with?

Mr. MANN. I thank the gentleman. I have the statements all here:

I have the honor to tender my resignation as United States attorney for the northern district of California, to take effect immediately.

There is nothing in that impugning base motives to anyone in the Department of Justice.

I am ordered by the Attorney General over my protest to postpone until autumn the trials of Maury Diggs and Drew Caminetti, indicted for a hideous crime which has ruined two girls and shocked the moral sense of the people of California, and this after I have advised the Department of Justice that attempts have been made to corrupt the Government witnesses, and friends of the defendants are publicly boasting that the wealth and political prominence of the defendants' relatives will procure my hand to be stayed through influence at Washington.

What is there in that to impute base motives to the Department of Justice or to accuse the Department of Justice of wrongdoing? Here is the statement that the district attorney had notified the Attorney General that the friends of these defendants were boasting that they would procure "his hand to be stayed." Is that a reflection upon the Department of Justice? That is a mere statement of a real fact.

Mr. KAHN. Mr. Chairman, will the gentleman yield again for a further question?

Mr. MANN. I yield.

Mr. KAHN. Is the gentleman aware of the fact that Mr. Diggs, the other defendant, is the nephew of a Democratic State senator of California, and the political influence referred to in the United States attorney's letter may probably have some bearing on that.

Mr. MANN. Of this fact I am absolutely sure, that the great mass of Democrats in public or private life neither condone an offense of this character nor the effort to postpone the speedy trial of offenders. [Applause.]

Then the district attorney says:

In these cases two girls were taken from cultured homes, bullied and frightened into going into a foreign State and were ruined and debauched by the defendants, who abandoned their wives and infants to commit the crime.

And then, after a reference to the Western Fuel directors case, which has no insinuation or reflection in it, the district attorney says:

Before I could send my resignation I received another telegram from the department ordering me to postpone the case against certain defendants of the Western Fuel Co. and not to try them unless ordered by the department.

No reflection or imputation of base motives there; no accusation of wrongdoing, at least.

In bitter humiliation of spirit I am compelled to acknowledge what I have heretofore indignantly refused to believe, namely, that the Department of Justice is yielding to influence which will cripple and destroy the usefulness of this office.

It must be upon this statement that the President says the district attorney accused the Attorney General of wrongdoing, and the Attorney General says the district attorney accused him of base motives.

I am compelled to acknowledge what I have heretofore indignantly refused to believe, namely, that the Department of Justice is yielding to influence which will cripple and destroy the usefulness of this office.

He makes no accusation of wrongdoing. He imputes no motives in the statement, but says that he now believes "the department is yielding to influence which will cripple and destroy the usefulness" of his office. Is that true? There is nothing else in the telegram of the district attorney, sending his resignation, making accusation of wrongdoing or imputing motives. The district attorney stated certain facts. He was ordered by the Attorney General to postpone the cases. That order, now they find, will destroy the usefulness of the office out there, and they run to cover to change the order. [Ap-

plause.] Frightened rabbits never got away quicker than the President and the Attorney General when this matter was brought up; but they might have excused themselves to the world if they had said, "The Attorney General acted under a misapprehension, a little carelessly, perhaps," and then withdrawn what they have done and commended the officer under him who dared to call the attention of the public to the facts. That would have been a manly course. We all, of course, excuse mistakes, and we all admire manliness; but we all hate hypocrisy, and this action now taken is pure hypocrisy. [Applause on the Republican side.]

What did the district attorney do that he is objectionable? He called the attention of the President, in the only way it would have received attention—through a resignation—to the fact that the Attorney General's office had been imposed upon. They now admit that it was imposed upon. They now vacate the proceedings which had been taken. They now revoke the order of postponement. They now admit that the cases demand speedy trial.

But unfairly, unjustly, and with pure hypocrisy they accuse the officer who called their attention to the circumstances and say that he is at fault. Manliness, such as I would have expected from the Christian, moral gentleman occupying the White House, would have required him to ask the district attorney to withdraw his resignation and try these cases, he being most familiar with them. They have now accepted the resignation of the district attorney and have dismissed the white-slave-act officer who worked up the case.

I suspect the elder Caminetti and possibly the junior Caminetti may be quite willing to have the case speedily tried, when the few men who were familiar with the case and who have worked it up are fired out of the service before anyone else has time to learn all the circumstances of the case.

But what was the excuse offered by the Attorney General for his order? The Attorney General admits that he received a report from Mr. McNab stating that there might be attempts to interfere with the due course of justice by improper influence. He admits that he has such records on his files. If he had admitted the truth complete he would have admitted that he had several letters, as I am informed, from Mr. McNab to the same effect and tenor. But he received a telephone message from another Cabinet officer.

Mr. Chairman, it is one of the peculiarities of service in the House of Representatives that Members here after a while take all public officials as somewhat in the nature of a joke, and never give too serious importance to the man and his office, with the possible exception, which I hope is generally true, that of the office of the President and the man occupying it, because we all bow respectfully before the office of President and the man who occupies the place, whoever he may be, though usually it is better for a man occupying the place not to give out too many newspaper statements or interviews if he does not desire to be criticized. But the new Cabinet officers up here seem to have an exaggerated importance in their own eyes and an exaggerated idea of the influence of each, and when a former Member of this House, a distinguished Member, who might telephone to 40 Members of this House and then go and see them if he wanted to—they would be treated upon terms of equality—he telephones to the Attorney General's office, and the Attorney General says that—

Without stopping to go through the files and so refresh my recollection concerning any particular circumstances of the case, I sent the following telegram to the district attorney ordering him to postpone the case.

What sort of a Department of Justice is it; what kind of an Attorney General is it who, having on file from the district attorney statements to the effect that people were endeavoring to thwart the administration of justice and to bribe or buy the witnesses of the Government, on a telephone message from so great a man as even a Cabinet officer, without investigation, without reference in his department, without stopping, as he says, to examine the files, orders the case postponed, which in all probability would have meant to have the case dismissed or ended? No doubt the Attorney General is a great lawyer and a great man. But if the Democratic administration intends to proceed upon the theory that when a Cabinet officer telephones the Attorney General, or when some wealthy defendant, as happened in the Western Fuel case, walks into the office of the Attorney General and asks to have a case postponed, it is done, there will not be many Democratic administrations in the next hundred years. [Applause on the Republican side.]

We demand the enforcement of these laws. We demand that the Attorney General, before he sends an order to drop or postpone a white-slave case or other case, shall stop to examine the files in his office. What kind of an excuse would that be if

offered by a clerk in the law office of one of the gentlemen here? What kind of an excuse would it be for one of the gentlemen here, practicing law, to give to his client, "I dismissed your case. I did not stop to examine the files in the office to see whether you had a good case or what the circumstances were?"

The excuse offered is worse than the offense, and offered for the purpose of casting ignominy upon one official in the Department of Justice who has had bravery, who has had courage, who has known how to do things. [Applause on the Republican side.] This district attorney might have sent a letter to the Attorney General, as he suggests, reiterating what he had already said two or three times, and he would have been dismissed for refusing to obey the directions of the Attorney General. But Mr. McNab, rising superior to place, looking up to more lofty heights than drawing a salary, knew that the way to attract the attention of the country and to obtain consideration by the administration was to do what he did, flash his resignation over the wires to the President, calling attention to the facts; not imputing motives, not accusing the office of wrongdoing, but calling attention to the facts which he had already reported to the Department of Justice. And by so doing he has made the President and the Attorney General not only to beg the question but to eat their words. [Applause on the Republican side.] He deserves a tribute from the good people of this country, which I have no doubt he will at least receive in their hearts. [Applause.]

Mr. HARRISON of New York. Mr. Chairman, if no other gentleman desires to address the committee, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

SEC. 4. That any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, receive or have in his possession, or conceal on board of or transport on any foreign or domestic vessel or other water craft or railroad car or other vehicle destined to or bound from the United States or any possession thereof, any smoking opium or opium prepared for smoking, or who, having knowledge of the presence in or on any such vessel, water craft, or vehicle of such article, shall not report the same to the principal officer thereof, shall be subject to the penalty provided in section 2 of this act. Whenever on trial for violation of this section the defendant is shown to have or to have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury: *Provided, however*, That any master of a vessel or other water craft, or person in charge of a railroad car or other vehicle, shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such article in or on such carrier, and any such article shall be forfeited and shall be destroyed.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice this section provides—

That any person subject to the jurisdiction of the United States—

And section 6 has the same provision. This section relates to the carrying of these drugs upon a foreign or domestic vessel, wherever it may be, as I take it, bound to or from the United States, and limits the control to a citizen of the United States. Now, section 6, using also the words—

Subject to the jurisdiction of the United States—

relates to the question of exportation. If there is a reason, as I can see there might be, for our legislating as to persons who are citizens of the United States, thought they may be in the China Sea, what reason is there for permitting a foreigner to export opium from the United States when we forbid a citizen of the United States to export opium?

Mr. HARRISON of New York. As I read the bill, that would not be the case, because if a foreigner were in this country or in any of our possessions he would then be subject to the jurisdiction of the United States.

Mr. MANN. Well, not necessarily.

Mr. HARRISON of New York. Of course, the gentleman understands the use of that phrase. It avoids the question as to whether a Filipino or a native of Porto Rico has any right to citizenship.

Mr. MANN. Take section 5. You have not avoided that.

That no smoking opium or opium prepared for smoking shall be admitted into the United States for transportation to another country.

Mr. HARRISON of New York. Smoking opium would not be admitted into the Philippines under the opium-exclusion act.

Mr. MANN. That may all be, but supposing it is there. It is not admitted into the United States. The same reasoning is as true of one as of the other.

Mr. HARRISON of New York. This only relates to the question of transshipment.

Mr. MANN. I understand that you do not want to permit transshipment from the Philippines any more than from here. It is much more likely to be transshipped from the Philippines, near to China, than it is from the United States. I think that

could be corrected by adding, after the words "United States," on page 4, line 4, the words "or any possession thereof."

Mr. HARRISON of New York. I think the gentleman's contention is correct, and if he will offer that amendment I will accept it.

Mr. GARDNER. I suggest in lieu of that that the words "from territory under its control or jurisdiction" be substituted. That covers more than "possession thereof."

Mr. MANN. In some places in the bill they have it one way and in some the other. Has the gentleman from Massachusetts a proposition concerning that?

Mr. GARDNER. I simply suggest it.

Mr. MANN. Now, may I ask one more question? At the bottom of page 3, in reference to transportation of these articles by carriers, it says—

Shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such articles in or on such carrier.

The word "carrier" there may be correctly used, although in all my experience on the Committee on Interstate and Foreign Commerce, where carriers were under constant discussion from the 1st of January until the 31st of December, I never heard the term "carrier" applied to the vehicle by which the article was carried.

Mr. HARRISON of New York. Does the gentleman from Illinois maintain that it is not a correct use of language?

Mr. MANN. I am afraid it is not a correct use of a legal term, and I wondered whether it would not be possible, at the risk of duplication, to insert the language "vessel, water craft, car, or other vehicle."

Mr. HARRISON of New York. I think that would be a reasonable amendment.

Mr. MANN. The gentleman from New York and I both know that a bill of this sort when it becomes a law is submitted to every legal critical test which the ingenuity of high-priced lawyers can devise. You are not going to stop the smuggling of opium, you are not going to stop the smoking of opium, you are not going to control opium by any legislation; all you can do, at best, is to go as far as you can. There will be people prosecuted constantly.

Mr. HARRISON of New York. Mr. Chairman, a parliamentary inquiry. Is there another amendment pending?

Mr. MANN. I have moved to strike out the last word; that is all. Mr. Chairman, I move to amend, at the top of page 4, by striking out the word "carrier," in the first line, and inserting in place thereof the words "vessel, water craft, car, or other vehicle."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, by striking out the word "carrier," in the beginning of line 1, and inserting the words "vessel, water craft, car, or other vehicle."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was considered and agreed to.

The Clerk read as follows:

SEC. 5. That no smoking opium or opium prepared for smoking shall be admitted into the United States for transportation to another country, nor shall such opium be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or any other purpose.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 4, insert, after the words "United States," the following: "or into any territory under the control or jurisdiction thereof."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word, to call attention of the gentleman to the fact that there is no penalty provided for section 5. Of course it is worthless without a penalty.

Mr. HARRISON of New York. It does not permit the admission of opium at all into the United States. There is a penalty under section 2 for the introduction of smoking opium into the United States.

Mr. MANN. Section 1 prohibits smoking opium being imported into the United States, and that is all this does.

Mr. HARRISON of New York. This has reference entirely to the shipping in bond, and if the customs officials are not allowed to receive it in bond that is the end of it.

Mr. MANN. I thought possibly it referred to that part of the bill which is set out in the report where they bring vessels within the 3-mile limit and take the opium from one vessel and put it upon another. The report says that that was a common practice. If it be a common practice, the opium is not imported into the United States except for transportation, and I suspect I may be wrong about that.

Mr. HARRISON of New York. I should suppose, Mr. Chairman, that the provisions of section 4 would provide a sufficient penalty. Persons who are attempting to do this transshipping would fall under the provisions of section 4, and be submitted to the penalties therein provided.

Mr. MANN. Of course, section 4 does not apply to Chinamen out on the Pacific coast who do not get into the United States. If they get the opium and go to Mexico, you can not punish them for anything that they have done.

Mr. HARRISON of New York. No law that we could pass would apply to them, and I would say to the gentleman from Illinois that there are very few of them out there who do not get into the United States.

Mr. MANN. Oh, yes; a law would apply to them. Of course, we would have to catch them before applying the law, but we can apply it within the 3-mile limit or anywhere within the United States.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Sec. 6. That hereafter it shall be unlawful for any person subject to the jurisdiction of the United States to export or cause to be exported from the United States, or from territory under its control or jurisdiction, or from countries in which the United States exercises extraterritorial jurisdiction, any opium or cocaine, or any salt, derivative, or preparation of opium or cocaine, to any country which prohibits their entry or to any country which regulates their entry: *Provided*, That opium or cocaine and salts, derivatives, or preparations thereof, except smoking opium or opium prepared for smoking, the exportation of which is hereby absolutely prohibited, may be exported to countries regulating their entry under regulations to be prescribed by the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce.

The Secretary of State shall request all foreign Governments to communicate through the diplomatic channels copies of laws and regulations promulgated in their respective countries which prohibit or regulate the importation of the aforesaid drugs, and when received advise the Secretary of the Treasury and the Secretary of Commerce thereof; whereupon the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce shall make and publish all proper regulations for carrying the provisions of this section into effect.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask why we should not prohibit absolutely the exportation of opium and cocaine from the United States to any other country anywhere in the world and then follow it with the provision that to the countries that have regulations for its admission we may export it?

Mr. HARRISON of New York. Mr. Chairman, that was the language of the original act as I believe it was drawn by the gentleman from Illinois, and he may contend that it is better form, but I think the same purpose is accomplished by the language here.

Mr. MANN. I am not so entirely certain that it is possible in a criminal proceeding—and I believe this is a criminal proceeding—to indict and convict a man for shipping opium to some country, the right to do so depending upon what the law in that country is to-day, which law may be changed to-morrow—not depending upon the law of this country, but depending upon the law of another country—without any knowledge perhaps on the part of the person who ships the opium. If you would make an absolute prohibition, that question can not arise, and then it could be followed with the provision permitting the exportation to those countries which do permit the importation of opium under regulation. I do not think we ought to send it to any country where it is not admitted under regulations. In that event you would have the whole question covered.

Mr. HARRISON of New York. I am inclined to think the gentleman from Illinois is incorrect in stating that this language would submit an exporter of the United States to a penalty under a change in a foreign law. It is not the foreign law which makes him a breaker of our law, but it is an infringement after the promulgation of that foreign law and of the domestic regulation which is here made by the three Cabinet officers selected by the bill.

Mr. MANN. The gentleman is mistaken. Here is a prohibition. That is the law that is violated. The rest is a permission to violate it under certain circumstances, and if you indict a man you must indict him on the ground that he is exporting the opium to another country which prohibits its entry or to a country which regulates its entry.

Mr. HARRISON of New York. Mr. Chairman, I am inclined to think the gentleman from Illinois is correct, and if he will propose an amendment to that effect, I will accept it.

Mr. MANN. I would suggest to prohibit the exportation to any other country, and then strike out the provision which prohibits their entry or to any country which regulates their entry.

Mr. HARRISON of New York. I think that would cover the case.

Mr. MANN. Mr. Chairman, I move to amend by inserting, on page 4, line 15, before the word "country," the word "other," and by striking out lines 15, 16, and 17, down to and including the word "entry."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, line 15, by inserting, after the word "any," the word "other," and by striking out the remainder of the line after the word "country" and the lines 16 and 17 down to and including the word "entry," being the language "which prohibits their entry or to any country which regulates their entry."

Mr. GARDNER. Mr. Chairman, my attention was distracted for a moment and I did not hear the reasons which the gentleman from Illinois advanced in behalf of his amendment.

Mr. MANN. With the amendment I have offered it prohibits the exportation of opium to any other country. That is a prohibition. Then it permits the exportation to countries which permit its importation. Now, without that, if you take the language as it stands, you have to indict a man for the violation of a prohibited thing, and I doubt whether you could make it stick, so that a man could be indicted for shipping opium to a country which prohibits its entry to-day and perhaps does not prohibit it to-morrow, or does not prohibit it to-day and does to-morrow. My amendment prohibits the exportation, but whenever they make their regulations permitting the exportation, then you can export to those countries.

Mr. GARDNER. Well, Mr. Chairman, the gentleman's idea is that the language is redundant. The way the gentleman suggests amending it, then, makes the language in lines 19 and 20 redundant. "The importation of which is hereby absolutely prohibited" becomes redundant, applying to smoking opium.

Mr. MANN. Oh, I think not.

Mr. GARDNER. As this bill is drawn it prohibits the exportation of all kinds of opium except to countries which regulate?

Mr. MANN. Yes. Oh, it is possible it might be redundant, but still you have to put in the words "smoking opium."

Mr. GARDNER. I do not see any objection to making the change, but I felt a little hesitation. I remember that the question came up in the committee. We did not go very thoroughly into the question as to the reason for that apparently redundant language. Does the gentleman from New York [Mr. HARRISON] remember that that question was raised in the committee? Is it the opinion of the gentleman from New York that the point of the gentleman from Illinois is well taken?

Mr. HARRISON of New York. It satisfies me that the gentleman from Illinois is correct and that this cures what otherwise might be an evasion of the law.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 7. That any person who exports or causes to be exported any of the aforesaid drugs in violation of the preceding section shall be fined in any sum not exceeding \$5,000 nor less than \$100 or by imprisonment for any time not exceeding two years, or both. And one-half of any fine recovered from any person or persons convicted of an offense under any section of this act may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought under this act may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of section 7 the following: "Provided, That no payment for any information shall be made to any officer or employee of the United States."

The question was taken, and the amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the gentleman from New York. It has just been called to my attention that under section 7 the minimum penalty for the exportation of drugs is made \$100, whereas by section 2 the minimum penalty for the importation of drugs is made \$50. I have been asked the reason for that apparent discrimination and am unable to explain it.

Mr. HARRISON of New York. Well, there is no explanation except they are different offenses, and it is possible we might provide different penalties for their infraction of the laws.

Mr. GARDNER. Then, it is presumably a greater offense to export narcotics than to import them?

Mr. HARRISON of New York. Well, measured by the minimum penalty, the gentleman is logical at least.

Mr. MANN. Mr. Chairman, there being no logic in the comparison suggested by the gentleman from Massachusetts, as

admitted by the gentleman from New York, author of the bill, leads me to suggest that probably this difference was in the original draft of the bill that came from the State Department. One would suppose so distinguished a body as the under officers of the State Department, which publishes the laws and has them in their control, would learn in the course of time what is the policy of Congress concerning certain forms of legislation. When we passed the penal code, a few years ago, with the aid of a number of distinguished gentlemen, including the gentleman from Kentucky [Mr. SHERLEY], we struck out of it all minimum penalties and there was no place in the penal code that provides a minimum penalty. There is no place for a minimum penalty at the best; provide a maximum penalty and leave the rest to the courts. And, were it not for my great affection for this bill, I should have moved at the outset to strike out the minimum penalty in the first section where it appears, because we usually have done that in every bill since the time the penal code was passed. There is no sense in it. The rest of the penal code does not have a minimum penalty.

Mr. HARRISON of New York. The gentleman from Illinois [Mr. MANN] is perfectly correct in reference to the present policy of Congress on these matters, and, recognizing that, I struck out of the third bill the minimum penalty which it originally had contained when first introduced by the late Mr. Foster, of Vermont. It is only through inadvertence that a minimum penalty at all is carried in the section to which the gentleman is now addressing himself. But inasmuch as there is a minimum penalty under the old opium-exclusion act, which penalty we can not change in this legislation without the danger of making ex post facto laws, I think we had better carry a minimum penalty in here, only I believe it would be proper to make it the same amount as the minimum penalty in section 2 of the bill, and I therefore move to amend section 7 by striking out in line 12 the sum "\$100" and inserting in place thereof the sum "\$50."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 12, by striking out "\$100" and inserting in lieu thereof "\$50."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, the amendment which is offered by the gentleman from Massachusetts [Mr. GARDNER] was a proviso amendment. That left in line 21 a period after the word "case." I suggest the punctuation ought to be changed so that the period would have a brother just above it, making it a colon.

The CHAIRMAN. The Chair is informed that the change has already been made.

Mr. FOWLER. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 8. That whenever opium or cocaine or any preparations or derivatives thereof shall be found upon any vessel arriving at any port of the United States which is not shown upon the vessel's manifest, as is provided by sections 2806 and 2807 of the Revised Statutes, such vessel shall be liable for the penalty prescribed in section 2809 of the Revised Statutes and may be subject to seizure and forfeiture in default of the payment of such penalty.

Also the following committee amendment:

Amend, page 6, line 3, by inserting after the word "penalty" the words "and forfeiture."

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

Also the following committee amendment:

Line 4, after the word "statutes," strike out the comma and the remainder of the section up to the period.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. HARRISON of New York. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SIMS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1966) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, and directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARRISON of New York, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

HEIRS OF ANGELO ALBANO (H. DOC. NO. 105).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to the case of Angelo Albano, an Italian subject, who on September 20, 1910, was, while in custody on a charge of crime at Tampa, Fla., seized by an armed mob and killed, and I recommend that, as an act of grace and without reference to the question of the liability of the United States, Congress make suitable provision for the heirs of the Italian subject thus killed, the proceeds to be distributed by the Italian Government in such manner as it may deem proper.

WOODROW WILSON.

THE WHITE HOUSE, June 26, 1913.

REGISTRATION OF PERSONS DEALING IN OPIUM, ETC.

Mr. HARRISON of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the present consideration of the bill H. R. 6282.

The SPEAKER. The gentleman from New York [Mr. HARRISON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the present consideration of the bill H. R. 6282. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, with Mr. CULLOR in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6282, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

Mr. HARRISON of New York. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman that the first reading of the bill be dispensed with? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HARRISON of New York. Mr. Chairman, this is the third and last one of this series of bills attempting to control and regulate the traffic in narcotics, and in some particulars it is of more importance to the people of the United States than either of the two other bills which have just been passed by the House.

The bill H. R. 6282 is the outcome of a long series of conferences between members of the Committee on Ways and Means and officials of the State and Treasury Departments and representatives of the various trades which will be affected by the enforcement of the provisions of this bill.

The legislation, as I recollect it, was first proposed to the House by bills introduced, respectively, by the gentleman from Illinois [Mr. MANN] and the gentleman from Vermont, Mr. Foster, now deceased. The first was a bill regulating interstate commerce in narcotics, and was therefore referred to the Committee on Interstate and Foreign Commerce, and the bill introduced by the late Representative Foster, of Vermont, attempted to regulate these matters by the taxing power of the Government, and was therefore referred to the Committee on Ways and Means. Upon the decease of the gentleman from Vermont, who was one of the most useful and most admired and one of the finest Members of this House, I was asked by the representatives of the State Department, who had kept in touch with the legislation in all its phases, to introduce the same bill, and I did so in the last Congress.

From time to time I have introduced new bills, as the plans of those who were studying this matter were further developed; and the bill H. R. 6282, introduced on the 23d of June, 1913, and reported out the same day, or the next day, to the House with a favorable recommendation, upon a unanimous vote of the Committee on Ways and Means, is the last and, I hope, the final draft of the legislation which so many persons have painstakingly worked to perfect.

Mr. MANN rose.

Mr. HARRISON of New York. Does the gentleman wish to interrupt me?

Mr. MANN. I wanted to ask the gentleman about one provision of this bill. Perhaps it is unnecessary. The bill provides that the collector of internal revenue shall furnish blank forms for ordering all these drugs, and that he has to put upon each blank, as he sells them, the name of the purchaser, so that if a man has a drug store on one corner he must use the blank with his name on it when he buys any of these drugs. He can not loan his blank to the man who has a drug store on another corner, although the blank is identical and the same. Now, why is it not perfectly sufficient to sell these blanks so that wholesale or distributing houses will buy them and furnish them to their customers?

Mr. HARRISON of New York. Mr. Chairman, the only objection I can see to that would be that it would relax slightly the restrictions which we are placing upon the trade; and, in my opinion, the bill has already in its final form conceded all the reasonable requests of the different trade interests in so far as they do not prejudice the principles which we are trying to enact. I should very much regret to see the bill still further relaxed.

Mr. MANN. Here is a bill which is extreme, necessarily extreme, and which proposes that no man can buy opium unless he is registered, and no man can sell opium unless he is registered; and no man can buy opium unless he buys it on a blank which he purchases from the Government and sends to the person from whom he purchases, keeping a copy of his order, so that each one has a copy of the order. Now, that, to that extent, would be the most drastic legislation that ever was enacted in this country for the purchase and sale of any article. But to say, in addition to that, that he not only has to make his order on a blank printed by the Government and furnished to him, but he has also to pay a dollar and buy blank orders with his own name written or printed on them in the first place would really seem to me as though we were running almost to the point of absurdity.

Mr. HARRISON of New York. Mr. Chairman, curiously enough, the representatives of the trade interests were very anxious to have us substitute the duplicate-order system for the system which was carried in the original bill.

Mr. MANN. I am not criticizing the duplicate-order proposition.

Mr. HARRISON of New York. They thought that was much more lenient and much more practicable than the stamping and marking provision which we had incorporated from similar provisions of the pure-food act, of which the distinguished gentleman from Illinois [Mr. MANN] was the author.

Mr. MANN. The pure-food act was drawn all the way through so as to inconvenience as little as possible the men who are doing business. Here, under this provision, if I am a druggist on the corner and I send down for a dollar's worth of blanks—how many I can get for a dollar I do not know, but I can not get less than a dollar's worth—I have my name on these blanks; and if I lose the blanks, as I certainly would if I were a druggist, then if I want to buy some opium I can not borrow another blank from another druggist, although track of it could be kept just as well in that way. What difference does it make? The name of the purchaser must be on the blank when he buys the drug. He has to keep a copy of that, and the wholesaler or the jobber has to keep a copy of it.

Mr. HARRISON of New York. I have already said to the gentleman—and I do not believe I can add anything to the strength of my statement—that it is only to tighten it all up.

Mr. MANN. The original bill that was drawn in reference to getting an internal-revenue tax upon the sale of opium was brought to me to introduce, I believe, several years ago, and I declined to introduce it. Of course, it imposed a considerable tax. I said to Dr. Wright and other gentlemen who were interested in it that there was no use figuring upon that, that they could never pass a law which put a \$5 or \$10 tax upon every retail druggist in the country if he sold opium, in addition to the other internal-revenue taxes which the druggist had to pay. I said it was not sensible, that it was not fair, and whether it was or not did not make any difference, that the retail druggists would have influence enough in this body to defeat it.

Mr. HARRISON of New York. Of course, we have not got that provision in this bill.

Mr. MANN. I understand that, but if you make this law onerous, so that the retail druggists can not work conveniently under it, you will find that they will repeal it.

Mr. HARRISON of New York. Mr. Chairman, in answer to the very point raised by the gentleman from Illinois, I will give the committee the names of the associations whose delegates and representatives actually took part in the framing of this law.

It is probably true that every law reforming drug and medical practice has proceeded originally from the drug trade or the doctors themselves; and representatives of the leading drug houses of America not only appeared before our committee advocating legislation but they actually took part in the framing of the bill. Representatives of Lehn & Finck and Schieffelin & Co., of New York; of Powers & Weightman, of Philadelphia; of Parke, Davis & Co., of Detroit; and Dr. Dohme, of Sharp & Dohme, of Baltimore, were among those who have cooperated with us, as well as delegates from the National Association of Manufacturers of Medicinal Products, the American Association of Pharmaceutical Chemists, the National Wholesale Druggists' Association, the American Pharmaceutical Association, and the National Association of Retail Druggists.

There is an executive committee of the National Drug Trade Conference. They have held two conventions in Washington within the last six months, and their representatives have been to see me a number of times, and have worked most earnestly to frame a bill which will be practical, which will not be too onerous upon the drug trade, and which still will accomplish the very worthy and laudable purpose of this legislation.

The bill as it stands in its final form is the outcome of a conference about a month ago in my office, at which the representatives of most of these associations were present, and when we finally agreed upon the bill, a statement was attached to it by Mr. John C. Wallace, of Pennsylvania, chairman of the executive committee of the National Drug Trade Conference, and countersigned by Mr. Charles M. Woodruff, the secretary of that same committee, stating that the bill had their thorough support and approval.

I say to the gentleman from Illinois that I agree entirely with the statement he has made. The original provisions for internal-revenue tax with the requirements for registration and stamping were impracticable, and were so objectionable to the druggists that they would have been strong enough and reasonable enough in their arguments to prevent their passage through Congress. We have eliminated all of those difficulties. We have reduced the bill in its last analysis to the simplest form that we could, and we have the hearty cooperation and active support of all the leading drug trades. These gentlemen have gone to their homes, and they have told me that they would do the best they could to help create sentiment favorable to the bill, just as it stands. I represented to them the dreadful fate which overtook Members of Congress whenever we tried to introduce a reform measure imposing unreasonable restrictions on the trades interested, and I depicted to them the avalanche of protests and letters that Members of Congress would receive if we did not get a bill to which all could agree to give their support. They told me that they would do their best to spare us in that department of our public duties, by going home and supporting the bill, because it was workable and was the only bill that we found that was workable.

Mr. MANN. Mr. Chairman, I again congratulate the gentleman from New York on his successful handling of the matter. The fact that it has been a successful handling is shown and proven by the fact that we have not been overwhelmed with an avalanche of protests from retail druggists throughout the country. I called attention to what I did merely for the purpose of attracting the attention of the gentleman from New York; and if he is under a sort of agreement not to interfere with these portions of the bill I have no desire to interfere with them.

I want to call attention at this time to a provision in the bill which has just been passed in reference to having opium in possession on board vessels, water craft, railroad cars, or other vehicles. I just sent for a copy of the Revised Statutes in order to look up the definition of "vehicles." I find that the word "vehicles" includes every description of carriage, or other artificial contrivance, "used or capable of being used as a means of transportation on land." When that description was written in the Revised Statutes it was in conjunction with a description of a vessel, which included all kinds of water craft on sea; but we have now a new means of communication which is neither on water or on land, which it is perfectly feasible to use for the importation of opium in both Canada and Mexico.

This bill ought to include in this provision in reference to finding opium on vessels any form of air vessel. I hope that if it is not done here the gentleman will have it done in the Senate.

Mr. HARRISON of New York. Mr. Chairman, the point raised by the gentleman from Illinois was discussed during the progress of writing these bills; and I was not as wise as the gentleman from Illinois, because I did not make the research that he has just made, my contention being that the word "vehicle" would cover an airship, a balloon, or any other craft.

Mr. MANN. The gentleman was perfectly natural in that, but having a recollection in my mind, owing to my long service in respect to interstate transportation, that there was a definition of that word, I sent and obtained it. It does not include airships.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. SISSON. I would like to ask the gentleman a question in reference to the administrative features of the bill, on page 4. I notice there a provision respecting physicians, dentists, and veterinary surgeons registered under this act. What machinery is necessary to require a physician to be registered under this act?

Mr. HARRISON of New York. The registration provision, which is one of the two principal features of the bill, is found in the first section of the bill.

Mr. SISSON. It speaks of the physician, dentist, and veterinary surgeon. Does it require the physician, dentist, and veterinary surgeon who may administer these drugs to be registered?

Mr. HARRISON of New York. It does.

Mr. SISSON. Then it requires in the same section, on lines 8, 9, 10, and on page 4, that the physician, dentist, or veterinary surgeon shall be in personal attendance upon such patient. Suppose a patient were sick or were addicted to the use of the drug, would it be necessary for the patient to have a doctor to come and visit him, and in addition to that have a prescription written, and then take the prescription to the druggist and have each prescription filled attached to a physician's bill?

Mr. HARRISON of New York. No; because the exemption of this proviso allows the physician to acquire the drug, and that is the only way in which it is lawful to acquire it, namely, by registration.

Mr. SISSON. That is true. Perhaps I did not make myself plain; but would the patient have to have a new visit from the doctor and a new prescription and be compelled to pay for it every time he went to him?

Mr. HARRISON of New York. I know of no better way to control it than that, and I will say to the gentleman from Mississippi that that probably would be found in almost all State laws.

Mr. SISSON. That is true. In most of the State laws there is provision for the refilling of a prescription without a new visit of the doctor. For this reason: You have an unfortunate person, an unfortunate woman, who may be addicted to the use of morphine or some such drug in some form, and the physician, in addition to the first fee he gets—this patient perhaps could not live without the use of it; I do not know that it would produce death—but the physician prescribes it, and under this bill in order that the party may get the drug which they will have it simply means the impoverishment of these people to a certain extent, and the physician and the druggist get the benefit of filling a prescription which is usually higher than the refilling of a prescription, and the patient would be compelled to pay for that visit.

Mr. HARRISON of New York. Mr. Chairman, I share the sympathy of the gentleman from Mississippi for the unfortunate class of persons to whom he has just made reference, but if I were able to restrict their access to the drug by the provisions of this bill, rendering it more difficult and more expensive for them to get the drug, I would be willing to do so.

Mr. SISSON. Well, I think that the bill ought to provide that where the physician gives one prescription and makes one visit then the patient may have an opportunity to have that refilled. Now, it might not affect very many people, but it would affect, I am sure, quite a number, and many of them are very unfortunate, and they appeal of course to our sympathies greatly, and I am unwilling to place an additional penalty to the already fearful condition they are in for the profit of the physicians and the druggists. In other words, suppose a physician had prescribed small quantities of the drug to one person, then there would be repeated visits and expense in only administering a certain small amount, and it would mean that these unfortunates who get the drug would have to pay enormous

doctors' fees, which would be vastly more than the drug itself would cost.

Mr. HARRISON of New York. Mr. Chairman, one of the witnesses before the hearings in 1911 in reference to this legislation was Dr. Alexander Lambert, one of the most prominent physicians in New York, and he stated it as his opinion that over half of the cases acquired the habit from doctors' prescriptions, and I invite to the consideration of the gentleman from Mississippi the misfortune that would come in permitting an unrestricted refilling of old prescriptions by persons who in that way acquired the drug habit. There are two horns of this dilemma, and I think we have chosen the lesser.

Mr. SISSON. I realize that the purpose of this bill is to do that which perhaps the States have not already done; I realize that Congress is reaching out for power it was never dreamed Congress should exercise; I realize that this bill goes into the private business of every druggist; I realize, as the gentleman from Illinois says, that it is the most drastic bill Congress has ever passed in reference to the regulation of any trade; I realize fully that the necessity for the legislation is pressing perhaps upon the hearts and consciences of many people; I realize fully the other horn of the dilemma, that when those conditions prevail the Constitution never has within the last 50 years and never will stand in the way; I know that the Constitution will be brushed aside, and positive provisions of the laws will be absolutely ignored; but when we find in a bill of this kind that it may work a very great hardship upon unfortunate children and inmates of the homes, because in many cases they have to furnish the opium to the unfortunate mother or the unfortunate father of the unfortunate member of the family, that in addition it is proposed to impose upon them the right of the physician to charge a fee for the prescription which may not be more than enough to serve two or three days, and therefore you penalize the unfortunate to that extent, I do not believe that ought to be included in a bill of this sort. I think something ought to be left to the discretion of the physician. He would not give a prescription with authority for it to be refilled unless it was one of those cases where he thought the necessities of the case required it.

Therefore it seems to me that a provision in the bill authorizing physicians under certain conditions to refill the prescription might be a great relief to many poor families where they are unfortunate enough to have an inmate of this kind.

Mr. HARRISON of New York. Mr. Chairman, I do not think I can strengthen the argument we have already advanced. I think we have chosen the lesser of two evils, and the good to be accomplished by stopping the ready access to the drugs overbalances all the conditions just pointed out by the gentleman from Mississippi.

Mr. SISSON. So the gentleman will not be willing to agree to an amendment of that kind?

Mr. HARRISON of New York. Not just at this time.

Mr. SISSON. I will state to the gentleman that I feel rather keenly on this proposition. There is one other matter I want to ask him about, and that is in reference to the cost of administration under this bill. Did the committee go into that?

Mr. HARRISON of New York. The Commissioner of Internal Revenue under the last administration, Mr. Cabell, estimated the original bill which was then before him would cost from \$125,000 to \$150,000 a year to enforce, but that bill was one which also provided an internal-revenue tax and very vexatious stamping features, and was vastly more expensive than the administration of this bill. I am informed that the small fees charged for the stationery and order blanks ought to pay for the printing.

Mr. SISSON. It is, of course, dependent upon the amount of espionage which the Government desires to make on this trade. If they go at it with a vengeance it seems to me that there is practically no limit to the cost.

Mr. HARRISON of New York. We have no control over that. The gentleman's Committee on Appropriations would prevent any excessive or undue expenditure.

Mr. SISSON. Do you make any provision here for paying the expenses under this bill?

Mr. HARRISON of New York. Yes. We have a provision in section 11 of \$150,000, but I think I may with confidence state to the gentleman from Mississippi that the bill will produce at least \$200,000 a year in revenue.

Mr. SISSON. You think the bill, then, as far as this appropriation is concerned, will produce sufficient income to wipe out the expenses?

Mr. HARRISON of New York. That is my idea.

Mr. SISSON. Of course, I have not had any opportunity to investigate it, and have no information at all, but the gentleman

from New York can at once see if the espionage is very great the expenses would very rapidly outgrow this appropriation here—I mean would outgrow the income from these small fees charged here. I would like, if the gentleman would do so, that he would accept an amendment so as to leave it within the discretion of a physician as to whether he would give a patient a prescription to be refilled.

Mr. HARRISON of New York. I would not be disposed to accept that amendment. Of course, it is not in order just now; so the gentleman from Mississippi and I will have time for further reflection while the bill is proceeding on its course.

Mr. COOPER. Will the gentleman permit one question?

Mr. HARRISON of New York. With pleasure.

Mr. COOPER. Can the gentleman tell me whether there is a provision in existing law or in the bill requiring that opium imported shall have the word "opium" upon the package outside?

Mr. HARRISON of New York. The opium-exclusion act of 1909 prohibited the importation of any opium, and then went on to say "except medicinal opium under regulations to be prescribed by the Secretary of the Treasury," and those regulations are specific as to the strength of the opium. It must not have less than 9 per cent of morphia. But I am unable with perfect confidence to state what the gentleman asks, although I think the container and the stamp are distinctive, so that people know what it is.

Mr. COOPER. Mr. Chairman, if the gentleman will pardon me, the bill provides now, for example, as follows:

*Provided*, That any master of a vessel or any other water craft, or person in charge of a railroad car or other vehicle, shall not be liable under this section if he shall satisfy the jury that he had no knowledge and used due diligence to prevent the presence of such an article in or on such carrier—

And so forth.

It would be very difficult, indeed, to prove that the hands on a railroad train would know there was any opium in a package or box that did not contain the word "opium" on the outside. And I was of the opinion after reading it that there ought to be a specific requirement of the law that each package shall be so branded, and anyone failing to so brand the package shall, because of that fact alone, be amenable to punishment.

Mr. HARRISON of New York. That would be a very wise provision, in my opinion, as to imported opium in bulk, and I believe it is in the regulations of the department. But as to all these subdivisions and compounds of the drugs mentioned in this bill, the printing and marking of them, which we so much desired to have in the bill, were found after an exhaustive investigation to be utterly impracticable. It was stated, I think, that the house of Parke Davis & Co. alone make some 3,600 different preparations which would each have to have a different, distinctive mark under the provisions of the bill as it was when first introduced, and it certainly would have caused such vexation among the trade as practically to defeat the whole purpose of the contemplated reform.

Mr. COOPER. There might be some wisdom in not requiring the whole 3,600 to be specifically branded, but there would be great wisdom in requiring that opium and its ordinary derivatives, like morphine and other things of that sort, should be marked on the back, if imported, with the word "opium" or "morphia," because otherwise you could not prove that these people did not use due diligence in trying to ascertain what was in the package.

Mr. HARRISON of New York. We shift the burden upon the defendant to show that he did.

Mr. COOPER. Oh, he might say he asked the man who put it in the cars what it contained, and he replied that it was something of a harmless character. That is all you require of him. He asked the man who sends it, and that man lied to him, and that man is in China and the other man is over here.

Mr. HARRISON of New York. He has to do that to the satisfaction of the jury.

Mr. COOPER. Then, Mr. Chairman, there is another section in the bill about which I wish to inquire. Section 8 provides that—

whenever opium or cocaine or any preparations or derivatives thereof shall be found upon any vessel arriving at any port of the United States which is not shown upon the vessel's manifest—

there shall be certain penalties inflicted. Now this opium can be brought in in a vessel that comes from a Canadian port into a United States port, and it can come in on a train of cars from Canada, and there is no provision about inflicting a punishment for the introduction of opium imported on a train of cars from Canada, making the train or the company liable as you make the owner of a vessel liable.

Mr. HARRISON of New York. Mr. Chairman, the gentleman from Wisconsin, I believe, is addressing himself to the previous bill which just passed the House. Those matters were under

discussion during the consideration of that bill, and the point that the gentleman from Wisconsin now makes was made then, though perhaps not quite so clearly as he now makes it. I suppose this difference or distinction as to ships rested upon the fact that our navigation laws have always given the administration, the executive department, more control over vessels than the Government has ever had over railroad trains. I suppose the very nature of the boat makes that possible and advisable.

Mr. COOPER. Mr. Chairman, I want to say, in conclusion, that those provisions as they stand would, it seems to me, exactly suit any person who intends to smuggle opium into this country.

Mr. HARRISON of New York. The law as it stands at present seems to exactly suit a great many smugglers, and those are the people we are trying to get after.

Mr. Chairman, I think the questions asked by the gentlemen of the committee have brought out all the information that I intended to state to the committee, but I do not want to conclude my general remarks without making some reference to Dr. Hamilton Wright, of the State Department, to whom is due, more than anybody else, I think, whatever credit may come from these great reforms as to the control of narcotics. Dr. Wright was our commissioner on the International Opium Commission, and is one of our delegates at our international congress, and he has worked hard and efficiently to get these bills in the shape they are now in.

Now, Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. HARRISON of New York. With pleasure.

Mr. MANN. On page 4, under the head of "(C)" there is exempted from the provisions of the section opium which is exported or sold for export. Do I understand that a man who ships opium or sells it for export is not required to make any report?

Mr. HARRISON of New York. This section relates to the provision giving duplicate order blanks, and it is not reasonable to expect that the foreigner, for instance sending to the house of Schieffelin & Co., of New York, for medicinal opium, should send that order upon one of our internal-revenue blanks. That is the reason for the exemption.

Mr. MANN. It struck me that possibly whenever anybody had opium in his possession you could trace it into his hands, and if you could not find it, all he would have to do would be to say that he had exported it; because you have no way of tracing what is exported.

Mr. HARRISON of New York. We originally had in the bill a tax upon an exporter of narcotics, and the committee struck out that proposed tax upon the exporter upon the ground that a license tax upon an exporter is a tax upon the exports themselves, which seems to be the weight of authority established by the case of Brown against Maryland, in 1837, and reaffirmed a few years ago in the United States Supreme Court in the case of Fairbank against The United States. In the latter case, an internal-revenue stamp upon a foreign bill of lading, under the Spanish War revenue act, was held to be a tax upon the goods exported, and therefore held to be unconstitutional. We devoted a good deal of time to the study of that, and very reluctantly I was compelled, in deference to the views of the committee, to reintroduce the bill with the word "exporter" left out, for fear it might be unconstitutional.

Mr. GARDNER rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. HARRISON of New York. Certainly.

Mr. GARDNER. I thought the gentleman had concluded. I rise in my own right.

The CHAIRMAN. The Chair thought the gentleman from Massachusetts was rising to interrogate the gentleman from New York.

Mr. GARDNER. Mr. Chairman, the minority members of the committee unanimously approved this bill, as they did its two predecessors.

Since the bill was reported there have been one or two small matters arise which I now call to the attention of the gentleman from New York [Mr. HARRISON]. My attention has been called to the definition of the word "person," on page 2, where it says:

That the word "person" as used in this act shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person.

The question has been asked of me whether this act would not make it very difficult for hospitals to perform their ordinary functions in the dispensing and prescribing of drugs con-

taining these narcotics, to which I replied that I thought hospitals would be excluded under the definition of the word "person"; that the word "person" would not include a hospital. It has been pointed out to me that hospitals are quite often corporations. Is that so?

Mr. HARRISON of New York. It is true that hospitals are often corporations, and it has been said that they are generally so; but I believe they are included in the language of this bill. I will state to the gentleman that it was intended they should be. We exempted them in the previous bills when we had under consideration the stamping and branding and internal-revenue provisions, which were so much more onerous; but we thought, when we had this simple form of ordering on internal-revenue blanks, that there is no hospital in the United States that can not afford to pay a tax of \$1 a year. And when they dispense opiates to the patients in the hospital they always do it upon the prescription of a physician. If you open the door any wider than that to hospitals, some institutions might be organized as hospitals for the real purpose of being drug joints.

Mr. GARDNER. Suppose it is a municipal hospital. Would that be included under the word "person"?

Mr. HARRISON of New York. Yes; I think it would be.

Mr. GARDNER. Under which subdivision?

Mr. HARRISON of New York. Under "association," perhaps.

Mr. GARDNER. That question was asked me. I have no amendment to offer.

Mr. HARRISON of New York. I think most of the hospitals in New York City are corporations, anyway.

Mr. GARDNER. I reserve the balance of my time.

Mr. MANN. Before the gentleman takes his seat, may I ask him a question in connection with his question in reference to hospitals, and so forth? On page 4, under "a," in section 2, it is provided that the requirement that a person shall give an order before he can get any of these drugs shall not apply—

to the dispensing or distribution of any of the aforesaid drug to a patient by a \* \* \* veterinary surgeon registered under this act in the course of his professional practice only: *Provided, however, That such \* \* \* veterinary surgeon shall be in personal attendance upon such patient.*

In section 4 there is another provision in reference to the delivering of drugs, and so forth:

*Provided, That nothing contained in this section shall apply to common carriers engaged in transporting the aforesaid drugs, or to any employee within the scope of his employment, or any person who shall have registered and paid the special tax as required by section 1 of this act, or to the written prescriptions of physicians, dentists, and veterinary surgeons who have registered under this act to those who are under the immediate personal care of such physicians, dentists, and veterinary surgeons.*

Who is the patient? Who is under the care of the veterinary surgeon, and who gets the opiate, the cat or the owner, the horse or the man? Certainly the owner of the horse is not the patient. He is not the one who is under the immediate personal care, and you can not deliver the drug to the horse until you get ready to give it to him.

Mr. WILLIS. And then sometimes you can not.

Mr. MANN. And then sometimes it is difficult.

Mr. GARDNER. Mr. Chairman, is the gentleman asking me this question?

Mr. MANN. Yes.

Mr. GARDNER. If the gentleman will draft an amendment which meets the objection that he has raised, I would be very glad to submit it to the consideration of the gentleman from New York. I reserve the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. That it shall be unlawful for any person to sell, barter, exchange, or give away any of the aforesaid drugs except in pursuance of a written order of the purchaser or person to whom such article is given, on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue. Every person who shall accept any such order, and in pursuance thereof shall sell, barter, exchange, or give away any of the aforesaid drugs, shall preserve such order for a period of two years in such a way as to be readily accessible to inspection by any officer, agent, or employee of the Treasury Department duly authorized for that purpose, and the State, Territorial, District, and municipal officials named in section 5 of this act. Every person who shall give an order as herein provided to any other person for any of the aforesaid drugs shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue, and in case of the acceptance of such order shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned. Nothing contained in this section shall apply—

(a) To the dispensing or distribution of any of the aforesaid drugs to a patient by a physician, dentist, or veterinary surgeon registered under this act in the course of his professional practice only: *Provided, however, That such physician, dentist, or veterinary surgeon shall be in personal attendance upon such patient.*

(b) To the sale, dispensing, or distribution of any of the aforesaid drugs by a pharmacist to a consumer under and in pursuance of a written prescription issued by a physician, dentist, or veterinary surgeon registered under this act: *Provided, however, That such prescription*

shall be dated and shall be signed by the physician, dentist, or veterinary surgeon who shall have issued the same: *And provided further, That such pharmacist shall preserve such prescriptions for a period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.*

(c) To the sale, exportation, shipment, or delivery of any of the aforesaid drugs by any person within the United States of America to any person in any foreign country.

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall cause suitable forms to be prepared for the purposes above mentioned, and shall cause the same to be distributed to collectors of internal revenue for sale by them to those persons who shall have registered and paid the special tax as required by section 1 of this act in their districts, respectively; and no collector shall sell any of such forms to any persons other than a person who has registered and paid the special tax as required by section 1 of this act in his district. The price at which such forms shall be sold by said collectors shall be fixed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, but shall not exceed the sum of \$1 per hundred. Every collector shall keep an account of the number of such forms sold by him, the names of the purchasers, and the number of such forms sold to each of such purchasers. Whenever any collector shall sell any of such forms, he shall cause the name of the purchaser thereof to be plainly written or stamped thereon before delivering the same; and no person other than such purchaser shall use any of said forms bearing the name of such purchaser for the purpose of procuring any of the aforesaid drugs, or furnish any of the forms bearing the name of such purchaser to any person with intent thereby to procure the shipment or delivery of any of the aforesaid drugs. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said articles or in the legitimate practice of his profession.

Mr. SISSON. Mr. Chairman, I move to amend section 2, subsection (a), in line 9, by striking out the word "personal," being the last word in the line.

The Clerk read as follows:

Amend, page 4, line 9, by striking out the word "personal."

Mr. SISSON. Mr. Chairman, my purpose in offering that amendment is simply this: If that section with the word "personal" in it should be construed to mean that the physician would have to make a visit to the patient before he could prescribe the drug, this sort of condition might arise: Suppose a man lives 8 or 10 miles in the country, or suppose he lives in the city, for that matter; the physician has put the patient upon a certain treatment, and if he has got to be in personal attendance on such patient at the time he writes the prescription it would necessitate his going and making another visit. He would have to be personally present and look at the patient, and in the country where physicians ride 8 or 10 or 12 or 15 miles, the physician having put the patient under certain treatment, charging—as I believe they do in my country—\$2 a mile up until the visit is \$10, and then a dollar and a half for each additional mile, if the patient be 10 miles away he would have to pay \$15 or \$16 in order that the physician might prescribe the very prescription that he knows he is going to give him before he goes out to see the patient the second time. I do not know that any physician had anything to do with this. I do not believe a reputable physician would be a party to this sort of thing, but it might be construed to mean that he would have to be personally present when he administered the drug. If he shall be in attendance upon the patient, if he is going to be construed to be his physician attendant upon the patient, and he has determined or diagnosed the case and has given a remedy which is a drug the essential element of which is opium, it would only be necessary then for him to write a prescription, which is an additional burden that I do not think ought to be placed upon the man getting the prescription filled; but if you put the two burdens on him and require the physician not only to write the prescription again, but to go and see the patient personally, then it might require and might be construed to mean that he would have to be in personal attendance; that he must be actually, physically present with the patient. We must not lose sight of the fact that at last under this bill it will depend upon the physician as to whether he is reputable and knows whether he is giving the drug for an honest purpose or not. You have to trust the physician. Then why not leave it so?

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. Certainly.

Mr. MANN. Does the gentleman think that the provision is really subject to the interpretation which he fears may be given to it?

Mr. SISSON. I think so.

Mr. MANN. That the physician must go in person to visit the patient at a particular hour or minute?

Mr. SISSON. I think so.

Mr. MANN. The gentleman thinks if I have a physician or dentist in town to whom I occasionally go or send that that person is not in personal attendance upon me as a patient?

Mr. SISSON. I think not.

Mr. MANN. I have great respect for the gentleman's opinion, but I am inclined to think that he is wrong. Look at this side

of it. Without that language any man in a large city who wants to do it, who has ever been admitted as a horse doctor or equally disreputable of some other kind, can advertise "opium cure," or something of that sort; not only can do it but do do it now, and issue a doctor's prescription to anyone throughout the Union. Now, that is not a fanciful proposition; that has been done; is being done now in a large degree, meeting the ordinary provision that you could only furnish these drugs upon a physician's prescription, and it is furnished upon his prescription. Now, if you strike out the word "personal," it means, in my opinion, that you ruin the bill as far as that is concerned. Nobody here desires to have it fixed so that every time you give a prescription to a man you know what is the matter with, you have to go and make a new personal examination of him.

Mr. Sisson. Now, Mr. Chairman, I want to state that I believe that the words "shall be in attendance upon such patient" means that he must be physically present. I am perfectly willing that the bill—

The CHAIRMAN. The time of the gentleman has expired.

Mr. Sisson. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. Sisson. I will state to the gentleman who has charge of the bill that I have absolutely no objection to the bill clearly showing and clearly stating that it must be a physician in attendance; that he must be a reputable doctor; that he must be a doctor who is waiting on the patient or his family physician, so that there can not be any subterfuge or any dodging of the issue; that the physician shall be a reputable physician, licensed in the community and not doing this business merely for the profit it would be to him; but I am unwilling that this language should remain so that it would be susceptible of this construction that it is necessary that a man shall be personally or officially present at the time when the prescription is issued. And I will not vote for it, and I state to my friend that whatever objections I may have to this bill I would like to have a provision in here that a reputable physician may issue a refill prescription. I realize that after reflection—

Mr. Mann. Will the gentleman yield?

Mr. Sisson. In a moment. I realize, after reflection, that there are many physicians throughout the country who might take advantage of this and might give these refill prescriptions where reputable physicians would not do it and actually avoid the provisions of this bill, and therefore I shall not insist upon it, but I will insist upon this amendment unless they will shape the bill so that it clearly indicates that a reputable physician may be in attendance upon the patient without having to go personally and visit him.

Mr. Mann. Would this satisfy the gentleman from Mississippi to change that language so it would read "or personally attend upon such patient"?

Mr. Sisson. Well, now, does the gentleman believe that would mean that if he had made one visit and given a prescription he would not be forced to make a second visit for the giving of another prescription?

Mr. Mann. Oh, I do not think myself it would force him to make a new visit to the patient if he was giving his personal attention, was his family physician, or something of that sort, but without some word in there requiring personal attention why there is no use in a bill in this respect at all, because, as I say, the present practice will be continued. Quack, bogus, physicians having a degree advertise the sale of prescriptions containing opium as a cure for the opium habit, and that is the usual way they get their lists.

Mr. Sisson. I will say to the gentleman in charge of the bill that I am in sympathy with the object and purpose of it, but the language in the bill should be so framed that when a physician is in attendance upon a person who is sick, and it is necessary for him to administer opium in any form, and he believes it is necessary to do it, it will not require him to make another additional visit unless he sees it is proper to do so, from a physician's standpoint and not because he is compelled to do it by this proposed law; because I am unwilling that the people of my district who send for physicians who live long distances shall be penalized in this way, because they would be compelled, if my construction of this is a correct one, to pay 10 times what the prescription would be worth in order to get it.

Mr. Temple. I would like to call attention to the fact that this does not apply to the prescriptions at all. That is covered in (b). Subsection (a) applies to the dispensing of the drug directly from the physician to the patient, and I think it is right he should be in personal attendance at that time. It

is in the next section that the writing of the prescription is provided for.

Mr. Sisson. You will have to construe the two together. The first applies to physicians, the second applies to drugs; one to the regulation of the doctors and the other to the regulation of druggists.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. Sisson] has again expired.

Mr. Temple. Mr. Chairman, in my own time, then, I will continue.

Mr. Gardner. As a member of the committee, Mr. Chairman, I take the floor.

The CHAIRMAN. The gentleman from Massachusetts has the prior right as a member of the committee.

Mr. Gardner. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Mississippi, although I see perfectly well his point. I see what a hardship might arise. Perhaps a physician in the country pays one visit to a sick man, knows perfectly well what is the matter with him, gives him four or five pills which contain opium, and perhaps three days later, when the pills are exhausted, the patient telephones to his physician. If the patient says, "I am no better; I am just as I was when you saw me; send me five more of those pills," then, in the opinion of the gentleman from Mississippi, this section would prevent the physician from acceding to the request. I admit it can not be done under this act, unless the court construes that that is a personal attendance. On the other hand—

Mr. Sisson. Will the gentleman permit just one interruption? Does not the gentleman believe this language, reasonably construed, means the physician must personally observe his patient prior to the time he issues the prescription?

Mr. Gardner. And reasonably construed, he must from time to time view that patient, so as to convince himself that the patient is in the same condition.

Mr. Sisson. If the physician is a reputable man, and you have got to trust him at last, his failing to make the visit, if he knows that that trouble continues, would be just as good if you had a disreputable physician to go and actually make the visit.

Mr. Gardner. Unfortunately not all physicians are reputable men. A large number of men in all walks of life are dishonest. If we strike out the word "personal" we impale ourselves on a very much worse horn of the dilemma than by putting it in. But I admit that if the courts take an extreme view of the meaning of the word "personal" a very great hardship will arise in country districts until the law is modified. If the worst comes to the worst, if a doctor perceives that his patient from time to time over a long period is likely to need these medicines, he can dispense enough beforehand. The very fact that he has not dispensed a sufficient number of pills in the first instance shows that the disease is taking a different course from what he anticipated, and makes it exceedingly probable that before very long he ought to make another visit to his patient.

Mr. Sisson. Then, you would compel the physician, in order to be sure, to have his patient buy a great deal more of the drug than was necessary?

Mr. Gardner. No; but you presuppose that the physician, not foreseeing the length of the patient's illness, dispenses an insufficient amount of a drug.

Obviously, if he can foretell the length of a patient's illness before his next necessary visit, he can dispense a sufficient amount of the drug. But the very fact that he dispenses an insufficient amount shows that at all events the patient will very soon need another visit.

Now, I admit that often when sick I have been given some kind of medicine which gave out before my recovery. If the courts hold that a physician with whom I consult over the telephone is not in personal attendance on me, a hardship would arise.

Mr. Sisson. What would the gentleman say of a case where they did not have telephones?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. Sisson. Mr. Chairman, I ask that the gentleman from Massachusetts [Mr. Gardner] may be allowed to proceed for five minutes more.

The CHAIRMAN. The gentleman from Mississippi [Mr. Sisson] asks that the gentleman from Massachusetts [Mr. Gardner] proceed for five minutes more. Is there objection?

There was no objection.

Mr. Sisson. What about those communities that do not have telephones? You will find a great many rural communities where they do not have long-distance telephones.

Mr. GARDNER. I admit that if the courts give that construction to this word "personal" there will be hardships, and patients will be subjected to a certain expense; but—

Mr. Sisson. Why not make the remedy now? I do not believe anybody in the Chamber—

Mr. GARDNER. I can not state the danger as well as the gentleman from Illinois [Mr. Mann] stated it, but—

Mr. Sisson. There is not anybody in this Chamber, I believe, who wants a patient to be compelled to pay two doctor's bills or be compelled to pay for two or three or four or five visits when one would be all that is necessary.

Mr. GARDNER. That is true; and there is nobody in this Chamber who desires to make it possible for a mail-order physician to distribute drugs all over the United States. Rather than permit a mail-order physician to distribute drugs all over the United States, to put an extreme case, I prefer that some patients should be forced to pay for two or three or even five more doctor's visits than may be necessary.

Mr. Sisson. In other words, a sick woman who is suffering, and who has had no sort of bad habits with reference to the use of drugs, who finds it necessary that she must have an opiate, must be penalized? Would the gentleman from Massachusetts penalize her?

My district is a rural one, and I myself was raised quite a distance from a town or a city. Frequently we have communities where there is only one physician within a radius of several miles, and the physician may have a large number of calls. It is almost impossible for those people to get the rapid and quick attention that people in the cities may get. Therefore in the administration of this law we ought not to lose sight of the condition that exists in a great many sections of this country. This law will apply not only in those sections where you have close telephone connections, but it will also apply all over the country.

Mr. GARDNER. If we could do good without some admixture of evil, we should be usurping the functions of the Deity.

Mr. Sisson. That is true; but when we do know that certain evils will arise from the bill, and that certain evils are bound to arise from the bill, why not cure the thing now?

Mr. FOSTER. Mr. Chairman, I realize the position that the gentleman from Mississippi [Mr. Sisson] is in. He is trying to correct what he believes a defect in the bill that might cause considerable dissatisfaction and trouble to people who are located a considerable distance from a physician, or cause an extra expense that ought not to be imposed upon them. But it has occurred to me that this provision in the bill has reference more particularly to a physician who is in attendance. I mean by that that he is the family physician. It does not necessarily mean that he must go and see this particular patient each time in order that he can prescribe for him or her.

Mr. Sisson. I will say to the gentleman from Illinois that if I thought it meant that I would have no objection to it.

Mr. FOSTER. There is no question, in my judgment, that it does mean that. We talk about some one being a man's "personal physician." It does not mean necessarily that every time a physician is in attendance he has to go and visit the patient in order to make such a prescription. I do not think it requires that.

Mr. Mann. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. FOSTER. Certainly.

Mr. Mann. My colleague suggested a while ago to change the form of language from "personal attendance upon the patient" so that it will read "the physician shall personally attend on the patient."

The gentleman from Mississippi seems to think that the words "in attendance" mean personally there at the time.

Mr. Sisson. The gentleman from Massachusetts [Mr. Gardner], a member of the committee, agrees with me that it means the physician has got to be there.

Mr. GARDNER. No; I said if the court took such an unreasonable view.

Mr. Sisson. I beg the gentleman's pardon. I did not think he himself had taken such an unreasonable view.

Mr. Mann. If you say "personally attend upon the patient," I think that would cover it. A man in New York City prescribing for a man in San Francisco, or some other place far distant, would not be personally attending upon the patient. But it does not mean that the physician has to be at the bedside of the patient holding the patient's hand, whether the patient be a man or a woman, when he writes the prescription.

Mr. Sisson. I think the language here, however, would be construed that every time he wrote a prescription he would have

to personally visit and personally make an observation of the patient.

Mr. FOSTER. I do not believe the language of this bill means that. I will say to the gentleman frankly that if I thought so I would not vote for it, because I think it would be a hardship on a patient who was employing a physician and who had for a long time employed that physician. In such a case the physician knows the peculiarities of that patient. As the gentleman from Mississippi [Mr. Sisson] said a while ago, there are those unfortunate people who possibly require some of this drug. Possibly they can not be cured, and unfortunately they are in that situation. Now, the physician of that family knows that particular case, as all physicians do in reference to cases of that kind. I do not believe it is the intention of this bill—if I thought it was I would not be for it—that every time that patient needs morphine or opium the physician shall be compelled to drive to that patient's home and see that patient in order to prescribe it. But what I do mean is that if a man comes into a physician's office and says, "Some member of my family needs an opiate," I do not believe the physician is justified in prescribing opium without personal attendance and knowing the conditions as to that patient. But in this case I believe it simply means that when a physician is called upon to prescribe he shall have that personal knowledge of the patient, and that this provision of the law simply means that where there is a physician of a family he does not have to go each time he prescribes and visit the patient before doing so. It might mean a patient who was not under his regular supervision, a patient who was a member of another family, that possibly he knew well, but of whom he was not the regular physician. I think that is all it means. For that reason I am perfectly willing to let the matter stand as it is.

Mr. Sisson. If I thought that was all it meant I would have no objection to it, but it seems to me that if it says he is in attendance upon the patient that is all that is necessary. It ought not to mean his personal attendance. He ought not to have to be at the bedside of the patient every time he writes a prescription.

Mr. FOSTER. The great difficulty is that spoken of by my colleague a while ago, that if you say "in attendance" these people will advertise cures for the opium habit in order to get these patients there, and then will prescribe opium for them.

Mr. Sisson. Such a physician would not be in personal attendance on the patient.

Mr. FOSTER. I believe it is all right now.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi.

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. Sisson. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The Chair will count.

Mr. Sisson. Mr. Chairman, the gentleman from New York [Mr. Harrison] is anxious to have this bill passed, but I feel very keenly on this matter. I do not want this imposition upon the people of my district and the other districts that may be affected by it. I am willing to withdraw this point of order with the understanding that my amendment be agreed to, if we can get unanimous consent, and if the gentleman from New York will ask it. Then, if the Senate shall believe that I am wrong about the matter, I have no objection to its being cured in conference, because I do not expect to put myself in the attitude of being an obstructionist over a mere technicality. But I do believe that this language means just that much to the country.

The CHAIRMAN. Does the gentleman from Mississippi withdraw his point of no quorum?

Mr. Sisson. I will do it if I can get unanimous consent that the amendment be agreed to.

Mr. Mann. Mr. Chairman, reserving the right to object, the gentleman's amendment, which he is now seeking to have inserted or agreed to, is to strike out the word "personally," so that a prescription by a physician would not have to be issued by the physician personally attending upon the patient. I do not consent by unanimous consent to an amendment of that sort, because in my opinion, with that provision stricken out, we may as well throw the bill in the wastebasket. Why not take the language which I suggested, which covers both points?

Mr. Sisson. What is the language suggested by the gentleman?

Mr. Mann. It is the following:

*Provided, That such physician, dentist, or veterinary surgeon shall personally attend on such patient.*

Mr. SISSON. If it is perfectly clear that he would not have to make a second visit when it was not necessary, solely for the purpose of making a prescription, I have no objection to the language if it means that.

Mr. MANN. Of course, I long since have gotten beyond the point where I would undertake to say what either a petit judge or a petit jury would do, but a physician who is personally attending upon another does not mean that every time he writes a prescription he must be at his bedside.

Mr. SISSON. There is a distinction between that language and the language contained in the bill.

Mr. MANN. I can see that the language in the bill "in personal attendance" might be construed to mean that the physician had to be there in person when he wrote his prescription, but the other language could not be so construed.

Mr. SISSON. Mr. Chairman, if the chairman of the committee will accept that amendment I will be very glad, if we can get unanimous consent to accept the suggestion of the gentleman from Illinois, to withdraw the point of order of no quorum.

Mr. HARRISON of New York. Mr. Chairman, under all the circumstances I shall not only accept the amendment but express to the gentleman from Illinois my gratitude for having evolved it from his fertile brain.

The CHAIRMAN. The Clerk informs the Chair that he already has the amendment proposed by the gentleman from Illinois. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 9, after the word "surgeon," strike out the words "shall be in personal attendance upon such patient" and insert in lieu thereof "shall personally attend upon such patient," so that the line will read: "Physician, dentist, or veterinary surgeon shall personally attend upon such patient."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. Will the gentleman from New York permit a question?

Mr. HARRISON of New York. Certainly.

Mr. COOPER. Does not the gentleman from New York think that paragraph B should be amended in two particulars—that after the provision that the prescription shall be dated there should be added the words "on the day on which it is signed"? A corrupt physician might antedate a prescription for a year.

Mr. HARRISON of New York. Mr. Chairman, I think that is a reasonable amendment, and if the gentleman will offer it I will accept it.

Mr. COOPER. Then there is another amendment which should follow that. There is a provision that such pharmacist shall preserve such prescriptions for a period of two years. When shall that period of two years begin? After the date of the prescription or from the date on which it is presented?

Mr. MANN. He could not preserve the prescriptions until after he received them.

Mr. COOPER. But suppose the prescription to be antedated.

Mr. MANN. The bill provides that the pharmacist shall preserve it for two years. Those two years must begin with the day he gets it.

Mr. COOPER. Suppose it were not properly dated.

Mr. MANN. That would not make any difference.

Mr. COOPER. The pharmacist could say that he got it on that date, and then the statute of limitations only run for one year, where it would run for two years if it were correctly dated.

Mr. FOWLER. Mr. Chairman, will the gentleman yield to me for a moment—

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, after the word "dated," in line 16, page 4, the words "as of the day on which signed."

The question was taken, and the amendment was agreed to.

Mr. COOPER. Now, I still think there should be after the word "years," in line 19, on page 4, an amendment by inserting the words "from the day on which such prescription is filled."

Mr. HARRISON of New York. Mr. Chairman, of course the gentleman from Wisconsin knows that most of the States which have antinarcotic laws have some provision for the retention by the druggists of the physicians' prescriptions; but, of course, that is not an answer to his suggestion. If he thinks there is an uncertainty and an amendment is offered really for the purpose of making more certain what the committee is trying to do, I will be very glad, for my part, to accept it.

Mr. FOWLER. Will the gentleman yield to me for a moment?

Mr. COOPER. Mr. Chairman, has this last amendment been reported?

The CHAIRMAN. It has not. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 19, after the word "years," insert the words "from the day on which such prescription is filled."

Mr. COOPER. And the date of such day shall be preserved or shall be recorded by such pharmacist—

Mr. HARRISON of New York. I think, Mr. Chairman, that is invading the province of the States, and to some extent they regulate these matters themselves, and I think it is safe to leave to the State laws matters of that sort.

Mr. COOPER. Well, if there is such a provision, all right. I am only endeavoring to perfect it, so there can be no evasion. Let the Clerk report the amendment without the last clause, requiring it to be recorded.

The Clerk read as follows:

Page 4, line 19, after the word "years," insert the following: "From the day on which such prescription is filled."

Mr. FOWLER. Mr. Chairman, I think that could all be cured very easily if the pharmacist was required to stamp on the prescription the date on which he receives it, and I am inclined to think that is what ought to be done; and that being the case, there would be no question about the time when the two years began to run, because he is required to place on the prescription the date upon which he received it; then, certainly, the time would begin to run from the date of the reception of the prescription.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. HARRISON of New York. Suppose that the pharmacist intended to evade the law in some respect. Would he then not incorrectly date it? After all, you are only offering to perfect what amounts to a question of evidence, anyway, and I do not believe that would bring about the result the gentleman intends.

Mr. FOWLER. That is true if he would place a false date thereon, the same as the one writing the prescription may place a false date thereon; but if that be true, the amendment offered here would not cure that defect in any wise whatever. Absolutely, if the pharmacist was corrupt, as suggested by the gentleman from New York who has charge of this bill, then it could be false as to the date when he received it and false as to the date that was on the prescription coming from the hand of the one who wrote the prescription; but if he is required to stamp on the prescription the date he receives it, his honor is at stake and he is compelled to put the date thereon correctly or falsify his honor, and I think, Mr. Chairman, that it would cure the defect.

Mr. COOPER. In reply to the gentleman from Illinois [Mr. FOWLER], I wish to suggest that it is not an uncommon circumstance for a person to take a prescription to a pharmacist and request the return of the prescription after it has been filled.

Mr. FOSTER. A reputable pharmacist does not give him the original prescription but gives him a copy of it always.

Mr. COOPER. He gets something, and there is not anything here to provide for the return of the copy. Then we would have to leave it, as I understand the gentleman from New York desires it to be left, "from the day on which the prescription is filled."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the provisions of this act shall not be construed to apply to the sale, distribution, giving away, or dispensing of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-twelfth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them in 1 fluid ounce; or, if a solid or semi-solid preparation, in 1 avoirdupois ounce; or to liniments, ointments, or other preparations which are prepared for external use only: *Provided*, That such remedies and preparations are sold, distributed, given away, or dispensed as medicines and not for the purpose of evading the intentions and provisions of this act. The provisions of this act shall not apply to decalcified coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine.

Mr. GARDNER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, line 2, after the word "only," insert the words:

"Except liniments, ointments, and other preparations which contain cocaine or any of its salts, or alpha or beta, etaine, or any of their salts, or any synthetic substitute for them."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. GARDNER. Mr. Chairman, on line 24, page 8, I move to strike out the semicolon and insert a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 24, strike out the semicolon after the word "ounce" and insert in lieu thereof a comma.

Mr. HARRISON of New York. I would like the gentleman from Massachusetts to explain the effect which that will have on the provisions of the act.

Mr. GARDNER. Probably it will have no effect whatever. The sentence in this section, "or, if a solid or semisolid preparation, in 1 avoirdupois ounce" refers to the whole preceding clause. It is all one connected clause and should not be disjoined by a semicolon. The meaning of the clause is that persons who so desire shall be permitted to sell certain preparations if they contain only a small amount of opium or morphine or heroin or codeine per fluid ounce. If these preparations are solid or semisolid, then the amount shall be reckoned per ounce avoirdupois instead of per fluid ounce. It is a preferential punctuation to carry out the purpose of the act.

Mr. HARRISON of New York. I would not devote any attention to the matter except sometimes it so happens that a punctuation of this sort changes the law, and I want to be sure. Of course, the gentleman from Massachusetts does not want to widen the scope of these exemptions.

Mr. GARDNER. Now, the Massachusetts act, which the gentleman has in his hand, has a semicolon where I propose to insert a comma. On the other hand, the Massachusetts act has no comma after the word "or." I think the punctuation wrong in both cases. My attention was called to this detail by the gentleman from Illinois [Mr. MANN], who is not on the floor at this moment. I am not so familiar with statutory interpretation as he is. He expressed an opinion that the punctuation ought to be changed, although he doubted whether it would make any difference in the interpretation. He asked me what the meaning of the section was. I told him that the intention was to exempt from the duplicate-order requirement preparations containing a moderate amount of morphine, codeine, heroin, or opium, the amount of narcotic to be calculated by the fluid ounce in the case of liquids and by the avoirdupois ounce in the case of solids and semisolids. Whereupon the gentleman from Illinois said that in that case the punctuation ought to be a comma instead of a semicolon. I quite agree with him.

Mr. HARRISON of New York. Well, Mr. Chairman, the combined authority of the gentleman from Illinois [Mr. MANN] and the gentleman from Massachusetts [Mr. GARDNER] satisfies me.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York a question. On what medical authority was it that the committee authorized the exemption from the provisions of this act of articles containing not more than 2 grains of opium to 1 fluid ounce, for example?

Mr. HARRISON of New York. Mr. Chairman, this was one of the controversial features of the law, and I am glad to say that the bill is more drastic in this respect than even some of the model State laws, like the law of the State of Massachusetts. It is customary in these antinarcotic laws to exempt from the provisions of the act preparations which contain so small an amount of a narcotic as to make it impossible for them to become habit-forming drugs. If we did not do this, we would limit, if not entirely eliminate, the additional use of narcotics in the channel in which it is perhaps legitimate.

Mr. COOPER. A fluid ounce is a very small quantity of fluid, and I would like to ask my distinguished friend from Illinois [Mr. FOSTER] whether the habit of using narcotics would be developed from the drinking, as a regular thing, of 2 grains of morphine in a fluid ounce?

Mr. FOSTER. I think if you take a harmless preparation from which he could take as much as two grains of opium in a fluid ounce you would produce a habit in the patient for the drug. But the gentleman from Wisconsin loses sight of this fact, that this bill provides against the putting up of any preparation which might in itself be put up for the purpose of supplying these patients or people who want to get morphine.

Now, then, if you are compounding remedies, the chances are nine hundred and ninety-nine out of one thousand—or one out of a million, I might say, of your putting up a medicinal preparation where the patient will be taking an ounce at a dose. You can readily see what a quantity he would have to have if he were taking it with any degree of rapidity.

Mr. COOPER. Suppose it was an ounce of water?

Mr. FOSTER. Yes; suppose it was an ounce of water. But this provides that that can not be done. Here is what the bill says:

*Provided*, That such remedies and preparations are sold, distributed, given away, or dispensed as medicines and not for the purpose of evading the intentions and provisions of this act.

Mr. COOPER. Oh, does the gentleman think that that amounts to anything against men who want to sell a habit-forming drug?

Mr. FOSTER. I supposed that it did amount to something.

Mr. COOPER. How much will that control a man who thinks more of money than he thinks of anything else in the sale of drugs?

Mr. FOSTER. I will agree with the gentleman that probably it will be very hard to stop the infraction of this law entirely.

Mr. COOPER. What I want to get at is this: Could a man get up something composed of water and opium, in the proportion of 1 ounce of water to 2 grains of opium, and sell it by the pint under this law and name it anything he pleased?

Mr. FOSTER. If it is a medicinal preparation, he could.

Mr. COOPER. He may label it a sure cure for bronchitis.

Mr. FOSTER. Oh, we have a law now—a law on the statute book—which I think prevents the labeling in that way of remedies of that kind.

Mr. COOPER. Suppose he calls it any name he pleases. We had a remedy here—gotten up in Chicago a few years ago—and they showed by chemical analysis that it was 98 or 99 per cent water, with a little bit of something in it to color it and something to give it an odor more or less fetid. They sold it for a dollar a bottle, and the people who prepared it made about \$125,000 in a year and a half, and on being exposed they went out of business. I want to know whether, under the provisions of this bill, which says it shall not apply to 2 grains of opium in 1 fluid ounce—

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may have five minutes more.

The CHAIRMAN. The trouble about that is that all of this discussion is out of order. There is nothing pending.

Mr. COOPER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] moves to strike out the last word.

Mr. HARRISON of New York. Mr. Chairman, will the gentleman from Wisconsin yield to me?

Mr. COOPER. Just in one moment, and then I will yield with pleasure to the gentleman. This bill, as I understand, is to prevent the sale and use of habit-forming drugs. I wish to know whether by exempting the use, the habitual use, and the sale of 2 grains of opium in a fluid ounce—it may be an ounce of water—you are not exempting the very thing you do not want to exempt?

Mr. FOSTER. If you are doing it with water, that would be so; but this bill provides expressly that that shall not be done.

Mr. COOPER. Where does it say that?

Mr. FOSTER. It says, "Such remedies as are sold for the purpose of evading the law."

Mr. COOPER. Why can not that be called a remedy?

Mr. FOSTER. It will be for the purpose of evading the law.

Mr. MANN. If the gentleman from Wisconsin will permit, Mr. Chairman, I may say that we amended the pure food and drug act last August, not covering this matter but in a way that would cover it, by putting in this provision—that the drugs misbranded would be subject to a penalty if the package or label shall bear any statement or design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein that is fraudulent—so that anyone who puts out a preparation and calls it a medicinal preparation falsely, and fraudulently stating its effects, will find that his article is misbranded and subject to the provisions of the pure food and drug act.

Mr. COOPER. Suppose a man should go to a druggist, and the druggist had a pint of water with opium in it in the proportion which I have mentioned, and he should say to the druggist, "I am troubled with insomnia," and the druggist should hand to him this pint of water with the opium in it. Would that be handed to him as a medicine under the language on page 9—that such remedies and preparations are sold, distributed, given away, or dispensed as medicines?

Mr. FOSTER. In the first place, the druggist has no right to prescribe, and he could be prosecuted for prescribing.

Mr. COOPER. He does not prescribe. The man goes to the druggist for it.

Mr. FOSTER. He says, "I am troubled with insomnia. I want you to prescribe something for it."

Mr. COOPER. Not at all. He goes there and asks for Insomnine. The druggist has it there, put up in pint bottles. The druggist does not prescribe. The man just goes and asks for it. This law will expressly permit the manufacture and sale of habit-forming drugs, because in response to my first question the gentleman from Illinois [Mr. FOSTER], who is a distinguished physician, says that the sale of 2 grains of opium in a fluid ounce of water might permit the sale of a habit-forming drug.

Mr. FOSTER. Certainly; if you take it as a dose.

Mr. COOPER. The gentleman from Illinois says, "Certainly, if you take it as a dose." What is to prevent a man from taking an ounce of that water in a dose, if he has been accustomed to that amount of opium?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. I think the point raised by the gentleman from Wisconsin [Mr. COOPER] is a very proper point to raise. Soothing sirup, and various other proprietary medicines which contain opium, probably ought to be abolished; but this bill, which will be a very effective remedial agent, will very likely be passed without objection. Unfortunately I am forced to believe that if we should attempt in this way to attack all the proprietary medicines which contain opium, the bill would have a rocky road to travel, and would be consigned to oblivion. That may not be a very good excuse, but, after all, it is practical.

The pure-food law requires that on all medicines which contain opium or any of these habit-forming drugs the label on the package shall state the amount of the habit-forming drug which it contains. I apprehend that the babies of the country would be just as well off, if not better off, if all soothing sirups which were used to quiet and put them to sleep were abolished; but I am sure it would not be done. Let us attack that evil at some other time and in some other way, and we will do good with this bill, anyhow.

Mr. GARDNER. I move to strike out the last two words.

Mr. Chairman, it is a mistake to suppose that this provision in the bill permits druggists to sell anything which they can not sell now. It simply exempts them from the necessity of making a duplicate record of sales of preparations and patent medicines which contain only a certain restricted proportion of narcotics. If this were a question of forbidding the sale, without prescription, of opium, and if it was proposed to exempt from the law all proprietary medicines which contain less than 2 per cent of opium, I am inclined to believe that such an exemption would be excessive unless justified from the point of view of being that half loaf which most sensible people prefer to no bread. As has been pointed out, we are struggling with the practical question of getting through a law providing for the registration of persons who sell these drugs, and requiring the keeping of duplicate orders of sales. As a matter of policy, to insure the passage of this bill in this Congress, I believe that the proposed exemption is permissible. If this exemption is refused, interminable delay is in store for the bill.

Now, not that it bears a great deal on the question, but only to illustrate the fact that you can not in matters of legislation do all that you wish to do as quickly as you would like, I call attention to the fact that in matters of pure food and drug legislation the Massachusetts statutes have been copied and quoted a great deal. Yet in time we shall go still further in that direction. We are now operating in Massachusetts under chapter 271 of the act of 1910, so far as the regulation and sale of morphia and other narcotic drugs are concerned. So far as cocaine is concerned, there is a later statute.

This Massachusetts statute of 1910 does not deal with the registration of druggists or of purchasers of narcotics, nor does it deal with the registration of sales of drugs, but it deals with the sales themselves. Under this Massachusetts law preparations which contain as high as 2½ grains of opium per ounce may be sold without a physician's prescription. I hope to see that amount reduced to 2 grains, which is the maximum specified in this bill. Next, I hope that it will be reduced to 1 grain, and finally to an even less amount. So far as we have been able to go as yet, proceeding from step to step, as we must, 2½ grains per ounce of opium content has been made the Massachusetts maximum. I refer, of course, to sales without a physician's prescription. For these reasons I believe that we shall be wise to pass the bill with the exemptions as provided.

Mr. RODDENBERRY. Mr. Chairman, I move to strike out the last word. Beginning at the bottom of page 8 it says "or to liniments, ointments, or other preparations which are prepared for external use only." Is it intended that percentage of narcotic applies to that also?

Mr. HARRISON of New York. I will say to the gentleman from Georgia that the exemption is from the provisions of the

bill and not as to the amount of the narcotic used at all. The purpose of the bill is, as it is in similar State laws, to provide that ointments and liniments from which it would be impossible to form a habit for opiates are to be excluded from the provisions of this law. Otherwise every druggist who sells a porous plaster would be obliged to come under the provisions of this act. And, if I may be permitted by the gentleman from Georgia, to use a personal illustration, I will say that during the course of this debate in which I have been denouncing the use of narcotics, I have been compelled to wear on the back of my neck a porous plaster which I have no doubt has opium in it, but I can assure the gentleman it is impossible to get an appetite for the drug in that manner.

Mr. RODDENBERRY. The statement of the gentleman is that it is not intended to apply to ointments, liniments, and so forth, which are capable of internal use. But does the language used limit it to such preparations as are incapable of internal use; in other words, liniments, ointments, and other preparations which are purely for external use only?

Mr. HARRISON of New York. This is a copy verbatim of the model statute laws on the question which have been found to have had that effect there. We further limited it by an amendment presented by the gentleman from Massachusetts excluding cocaine entirely, because a discussion arose in the committee as to whether cocaine snuffed up the nose was a preparation for external or internal use.

Mr. RODDENBERRY. Does not the adoption of the amendment of the gentleman which was an exception increase the uncertainty?

Mr. HARRISON of New York. I have an idea that, if they are prepared for external use, they are incapable of being used as habit-forming drugs.

Mr. GARDNER. Will the gentleman permit me to answer that?

Mr. RODDENBERRY. Certainly.

Mr. GARDNER. As far as I can ascertain by asking a number of physicians, the situation is this: Unless, perhaps, some preparation of cocaine, no liniment, ointment, or other preparation made bona fide for external application, even if used excessively, can be dangerous. That is to say, no habit can result from the surface use of narcotics. In the case of cocaine, however, the situation is different, as I understand it. Cocaine may be combined with alcohol and menthol, for instance, with the intention of making a liniment for external use. Yet the purchaser of that liniment, instead of applying it externally, may spray it over the mucous membrane in his nostrils if he is a victim of the cocaine habit. Most doctors would classify such spraying as an internal use of the drug, but the courts might think otherwise. Hence my amendment requiring a record of every sale of any preparation containing cocaine, even if the preparation is designed bona fide for external use.

The case is different, however, with morphine, codeine, heroin, and opium. I am told that no preparation of these narcotics, if intended for external use, could possibly be used internally. Any preparation which could be used internally would on its face be a fraud if alleged to be for external use.

Mr. RODDENBERRY. Does not the gentleman think that between the words "are" and "prepared," at the top of the page, the words "bona fide" would be helpful?

Mr. GARDNER. Anything of that sort would be satisfactory to me, as far as I am concerned.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RODDENBERRY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, line 21, strike out "two" and insert "one"; line 21, strike out "one-fourth" and insert "one-eighth"; line 22, strike out "one-twelfth" and insert "one twenty-fourth"; line 23, strike out "one" and insert "one-half."

Mr. RODDENBERRY. Mr. Chairman, the object of this amendment is to reduce by one-half the amounts of opium and other narcotics, so that where preparations contain more than the amount covered by the amendment manufacturers will be compelled to register and otherwise comply with the statute. It is evident from the statement of the gentleman from Illinois, Dr. FOSTER, and the gentleman from Massachusetts, Mr. GARDNER, who are thoroughly familiar with the subject, that preparations containing the amounts of opium and other narcotics as now provided are capable of hurtful use. While gentlemen here clearly explained that this bill is not a direct legislative restriction to be enforced by the Government and does not interfere with appropriate State legislation, nevertheless the allowing of preparations to be exempt from the provisions of the bill containing so high a proportion of opium will constitute an indirect way by which Congress will encourage these habit-

forming drug manufacturers to so fix up their modified preparations with the noninhibited or nontaxable percentage and place them on the market. It is done now, but we give them a guide, possibly, by which they may safely proceed and profitably operate. I fear we will multiply to a great extent a number of these deleterious agencies in the form of ointments and liniments, under which come teething powders and soothing sirups, which, as the gentleman from Illinois intimated, should be prohibited, and I have no hesitancy in going further and saying it should be entirely prohibited. But if we reduce the percentage of opium, and so forth, and require the registry and records on a basis of this lower percentage, we do not change the purpose and the scope of the act, but we do bring it down to accomplish more nearly the result that the Congress has in mind. This amendment will undoubtedly discourage and stand in the way, not of the honest, square manufacturer, who compounds for medicinal and proper uses, but that type of manufacturer who puts his habit-forming goods off as ointments and liniments, to be purchased, used, and consumed by the unfortunate dope fiends of every kind, in the absence, under the law, of being able to get something that more nearly fills the bill. I recognize the objection made by the gentleman from Massachusetts and others that this amendment might present some difficulties in the way of the easy passage of the bill. That is true, but I do not regard them of sufficient consequence to prevent the House from adopting this amendment if it so desires.

Mr. HARRISON of New York. Mr. Chairman, if after listening to the debate which was so ably conducted by the two gentlemen—the gentleman from Illinois and the gentleman from Massachusetts—the gentleman from Georgia [Mr. RODDENBERRY] has made up his mind to offer and press this amendment, realizing as I do that there is no man who is more competent and who knows better how to use the rules than he does—

Mr. RODDENBERRY. Mr. Chairman, I desire to advise the gentleman to act entirely freely with reference to this amendment. If the committee are not in accord with the amendment, I shall raise no parliamentary obstruction.

Mr. HARRISON of New York. I think that is a very fair proposition, and the spirit of it I will accept. I have no sympathy with these proprietary or patent medicine people. I would like to exclude the use of narcotics entirely from every one of these patent medicines if I thought we could do it, and if I vote against the amendment of the gentleman from Georgia it is simply upon the ground, that is so well stated by the gentleman from Illinois, that we want to get all we can out of this legislation, and he is proposing more I believe than we can get. These exemptions in our bill are all considerably less than those in the model State laws, and with that I am content.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. Will the gentleman from New York [Mr. HARRISON] answer a question?

Mr. HARRISON of New York. Yes.

Mr. COOPER. Section 6 provides that the provisions of this act shall not be construed to apply to the sale of any of the preparations mentioned in the section. Does that mean that one can sell these drugs who is not registered?

Mr. HARRISON of New York. Yes.

Mr. COOPER. So that a man can sell two grains of opium, which is a dose of opium, and an ounce of water to anybody who comes to his store and asks for it, whether he may be a grocer or any sort of a business man, and he even may not have a license at all?

Mr. RODDENBERRY. He can sell an ounce preparation of peppermint and water and opium to a drug fiend who goes into any drug store so far as the national—

Mr. FOSTER. The gentleman from Georgia is wrong.

Mr. RODDENBERRY. I understand so far as this bill is concerned—

Mr. FOSTER. The gentleman has not read the whole of it.

Mr. RODDENBERRY. Yes; I have read the entire bill.

Mr. COOPER. The point to which I directed the attention of the gentleman from New York is that one can sell 2 grains of opium in an ounce of water, which is a dose of opium, and he need not be registered.

Mr. HARRISON of New York. Under the provisions of this act he is pretty apt to get tangled up with the pure-food law or with the qualifications provided in the latter part of this section.

Mr. COOPER. We are enacting a statute which to the various State legislatures means that so far as the Congress of the United States is concerned it is content that a nonregistered, unlicensed pharmacist may sell grocers, as they do frequently, a dose of opium at any time or to anybody who asks for it, and what effect will that have upon the State legislatures if somebody in a State legislature will rise and protest that the bill then presented opens opportunity for the use of habit-forming

drugs and it is said, "Oh, no; the Congress of the United States has exempted us grocers and business men."

Mr. HARRISON of New York. The gentleman will find upon examination that our bill in Congress has a more drastic and severe provision than State laws on this subject.

Mr. COOPER. Well, but this permits the sale of 2 grains of opium, and that is a dose, in an ounce, and it permits it to be sold to anybody upon his request and as a proprietary medicine, and the man who sells it is exempted from the provisions of this act, which requires registration and license.

Mr. MANN. Mr. Chairman, the practical effect of this exemption I think is in one way stated by the gentleman from Wisconsin, but not fully stated in another way. The practical effect of this exemption is to permit retail druggists to sell a proprietary medicine without requiring the purchaser to make out a written order a copy of which is required to be retained for two years, one by the purchaser and one by the seller. In other words, without these exemptions if any one goes into a drug store and buys any proprietary medicine with these drugs in the medicine you have to make out a regular order, which order has to be preserved both by the purchaser and the seller, the order being in duplicate.

Now, gentlemen know very well that this act prescribes a good many onerous conditions upon the retail druggists of the country as it stands, conditions which I am happy to believe at present they are quite willing to accept. I am very confident if everyone who went into a drug store to buy one of these proprietary medicines—very numerous in numbers, and I wish they were less—had to make out a written order, the act would be so unpopular that it would soon be repealed.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. RODDENBERRY].

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. HARRISON of New York. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6252) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, the Chair will put them in gross.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HARRISON of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### THE CURRENCY BILL.

Mr. GLASS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

#### House resolution 190.

Resolved, That 25,000 copies of the currency bill, H. R. 6454, be printed for the use of the House, of which 5,000 copies shall be delivered to the Committee on Banking and Currency, and the balance distributed through the folding room.

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia a question. By this resolution are these to be distributed through the folding room or the document room?

Mr. GLASS. Through the folding room.

Mr. CULLOP. So that each Member will have a pro rata share for his own use?

Mr. GLASS. Yes.

Mr. MANN. Will the gentleman yield?

Mr. GLASS. I will.

Mr. MANN. This bill was introduced to-day?

Mr. GLASS. Yes.

Mr. MANN. Did the gentleman make inquiry to see what 25,000 copies would cost?

Mr. GLASS. No; I did not.

Mr. MANN. I assume it would come within \$500. Of course, the House can not make an order that would extend over the cost of \$500.

Mr. GLASS. I was told by the person in charge of the folding room that that was the limit that could be asked for. I assume that he had that figure in mind.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GLASS. Mr. Speaker, I also ask unanimous consent for the consideration of another resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 191.

*Resolved*, That the Committee on Banking and Currency of the House of Representatives be, and is hereby, authorized to sit during the sessions of the House and during the recesses of the Sixty-third Congress, and to employ such expert and other assistance as may be required in the transaction of its business, the expenditure for this purpose not to exceed the sum of \$5,000.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, will the gentleman yield?

Mr. GLASS. Yes.

Mr. MANN. Is the purpose of this resolution to permit the Committee on Banking and Currency to make full investigation of the banking and currency measure which may be reported?

Mr. GLASS. The purpose of it is to confine any investigation to the banking and currency measure to be reported.

Mr. MANN. This resolution as now presented is not for the purpose of reopening the investigation that was being carried on in the last Congress?

Mr. GLASS. Not at all.

Mr. MANN. I take it that the committee needs considerable help, probably expert help and otherwise?

Mr. GLASS. That is true.

Mr. MANN. I noticed the other day that the distinguished Chief Magistrate of the country, when he did us the honor to appear in the Hall of the House and deliver his message to the joint assembly of the House and Senate, stated that the Committees on Banking and Currency of the two Houses had been at work on a banking and currency bill. I got the impression from what he said that not only the distinguished gentleman from Virginia [Mr. GLASS], in whom we all have confidence and whom we all honor, had been called upon by the Chief Magistrate, but that the balance of the House Committee on Banking and Currency had also been in consultation with the President. I did not know but that the Committee on Banking and Currency had been at work for some time and had made all this investigation. But with the understanding, from the information furnished to me, that the information conveyed by the President was erroneous, and that the Committee on Banking and Currency has not had any meeting and has made no investigation, I shall not object to the resolution.

Mr. GLASS. I will say to the gentleman that I assume that the President meant to say that the members of the Banking and Currency Committee of the other House and the chairman of the Committee on Banking and Currency of this House had given some consideration to the matters referred to, but not full consideration by any manner of means.

Mr. MANN. I do not know what the President meant. The President has an unusual command of clear English. I know of no one who can state that which he knows more clearly than the President. The President's statement to the House and to the Congress was that the Committees on Banking and Currency of both Houses had been at work preparing the bill. Sometimes those who can use English most readily are least careful about their facts. In this case the President was not careful about his facts.

Mr. GLASS. I may say, Mr. Speaker, that the President was not so far wrong about his facts in that regard. The House Committee on Banking and Currency of the Sixty-second Congress had very exhaustive hearings upon this proposition, and we considered this proposition, and the bill introduced here today had as its basis largely the hearings held then.

Mr. MANN. Well, that was not the statement of the President. The President's statement to the House and to the country was in effect that the Committees on Banking and Currency

of the two Houses had prepared a bill. Now, I have the highest regard for the distinguished gentleman from Virginia [Mr. GLASS], but I recall the fact that the Committee on Banking and Currency of the House consists of majority and minority Members, and that it is erroneous for the President or any one else to say that the House Committee on Banking and Currency has been considering matters simply because our distinguished colleague from Virginia has been using his gray matter on the subject.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. Is it not customary, when speaking of a committee preparing a bill, to do so when, as a matter of fact, the minority has not been overworked in that regard? [Laughter.]

Mr. MANN. It is not the custom so to speak. On the contrary—

Mr. FITZGERALD. I will call the attention of the gentleman to the fact that the Payne tariff bill was prepared—

Mr. MANN. By the majority members of the committee, and whenever reference was made to it in that Congress or reference is made in this Congress to the Underwood bill it has been stated that the majority members of the committee prepared the bill.

Mr. FITZGERALD. No; I think the gentleman is in error to this extent: When authority was given to disburse an amount of money placed at the disposal of the majority members of the committee, in order that there might be no misunderstanding it was distinctly stated that it should be expended by the majority members, and that had been the custom.

Mr. MANN. Oh, the money that was placed at disposal was placed at the disposal of a single individual. There was not a committee at all at that time.

Here is the language of the President:

The committees of the Congress to which legislation of this character is referred have devoted careful and dispassionate study to the means of accomplishing these objects. They have honored me by consulting me. They are ready to suggest action.

But they have not had a meeting.

Mr. FITZGERALD. Does the gentleman think that anybody has misled the President into believing that it was prepared by the committee?

Mr. MANN. Oh, I think the President is too careless with his facts and too free with his English.

Mr. FITZGERALD. Mr. Speaker, I have examined the House resolution. It is a simple House resolution, authorizing the employment of experts, to cost not to exceed \$5,000. Of course, it can not appropriate the money, because that would require a joint resolution. The money could not be paid out of the contingent fund because there is no resolution to that effect.

Mr. MANN. If the gentleman will permit, as I understood this resolution it was offered in order to provide authority to the committee to engage experts, but it would require a subsequent resolution from the Committee on Accounts to pay the money out of the contingent fund.

Mr. FITZGERALD. I think that is true. Was that the intention?

Mr. GLASS. It was.

Mr. LLOYD. Mr. Speaker, this resolution in its present shape does not authorize the payment of any money.

Mr. MANN. No. It was not intended to. That was my understanding.

The SPEAKER. If it is not intended to fix it so that you can pay for it, of what good is it?

Mr. MANN. Why, it authorizes the employment at once and gives an opportunity to the Committee on Accounts to prepare a resolution, which, I take it, the House would direct them to do, to provide for the payment out of the contingent fund.

Mr. FITZGERALD. Mr. Speaker, I am not certain that the gentleman would be justified in employing persons, under authority to employ, unless provision had been made for their payment. Nobody in an executive department would be able to employ a person authorized by law for certain services unless the appropriation were actually made. While I have not looked into this situation, it might be very doubtful whether the gentleman could employ anybody.

Mr. MANN. If the gentleman will permit, that may be the case; but in the last Congress, after the House had given authority to this committee to engage in an investigation, with a limit of cost of \$25,000, the first thing the committee did was to employ one man at a cost of \$15,000; and it ran up bills of over \$50,000 without any authority, in direct contradiction to the action of the House, and we provided for it out of the contingent fund; and the gentleman from New York [Mr. FITZGERALD] brought in a bill to add to the amount in the contingent fund so that it could be provided for.

Mr. FITZGERALD. Yes; but I voted against authorizing the payment of certain bills that were illegally incurred.

Mr. MANN. That may be; but there were enough gentlemen on that side who voted to pay them, so they were paid. All of us on this side voted against it.

Mr. LLOYD. The purpose I had in rising was to call attention to the fact that this does not authorize the payment of money, either out of the Treasury of the United States or out of the contingent fund, and I do not wish the Committee on Accounts to be placed in the position in which it was placed last year, to which the gentleman from Illinois has referred. If there is to be an authorization here for the payment of money out of the contingent fund, I hope the resolution will so provide, and that no expenditure will be made beyond the amount that is authorized in the resolution.

Mr. GLASS. Mr. Speaker, the House may be very well assured of the fact that there will be no expense beyond the amount authorized by the resolution.

Mr. LLOYD. But this resolution authorizes no payment by anybody. If this resolution passes, there can not be one dollar paid out of the contingent fund on account of it.

Mr. GLASS. I should like to have the resolution modified so as to authorize it. The matter is entirely new to the chairman of the Committee on Banking and Currency. The resolution was submitted to the majority leader and to the minority leader, with the expectation that they would know what I wanted and would aid me in accomplishing it.

Mr. FITZGERALD. This does not give you any money. You might employ people and never get the money to pay them.

The SPEAKER. It takes a joint resolution to pay it in any way except out of the contingent fund.

Mr. FITZGERALD. I think this is a mistake. It ought to provide for the payment.

Mr. MANN. Very well. Here is a contingency. If this resolution provided for the payment of money out of the contingent fund, it would have to go to the Committee on Accounts under the rule. Now, in view of the emergency—

Mr. FITZGERALD. It could be done by unanimous consent.

Mr. MANN. In view of the emergency the resolution authorizes the committee practically to engage some experts. I take it that the committee are going to work with a view to getting an early report. It seems to me that we might pass the resolution and leave it to the Committee on Accounts to provide for the payment out of the contingent fund.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Now, if the gentleman wants to offer an amendment, this is the time to do it.

Mr. CULLOP. Mr. Speaker, it seems to me that the proper way would be to use language in the resolution so that it would authorize the employment; then the Committee on Accounts or the Appropriation Committee can take care of the manner in which it is to be paid. That authorization might be made so as not to exceed a certain sum which the committee might incur. That seems to me to be the proper way in which this matter should be disposed of.

#### THE COMMERCE COURT.

Mr. MANN. Mr. Speaker, I would like a moment to propound an inquiry to some gentlemen on the other side of the House with reference to the caucus action yesterday concerning the Commerce Court. The appropriations for the Commerce Court will expire on the 30th of June, 1913. After that date there is no other court in which any person can appear concerning an order made by the Interstate Commerce Commission. They are all required to go to the Commerce Court. The Commerce Court judges will continue, I apprehend, to receive their salaries, but other officials of the Commerce Court will be without pay, and after the 1st of July, under the law, are forbidden to give their services free.

Has the Democratic caucus on this 23th day of the month, with to-morrow, Saturday, and Sunday coming, with the two bodies of Congress in session, made any provision for taking care of the Commerce Court business of the country, affecting all the shippers of all the railroads in the country, or is it expected to wait until next August or next September before any action is to be taken?

Of course, as long as you do the business of the House in a secret Democratic caucus, the only way that we have of obtaining information is by begging for it on the floor of the House, and I beg for it now.

Mr. FITZGERALD. Why does not the gentleman join the Democratic Party?

Mr. MANN. It would break up the Democratic Party.

#### COMMITTEE ON BANKING AND CURRENCY.

Mr. GLASS. Mr. Speaker, I offer the following amendment to the resolution which is pending.

The SPEAKER. The Clerk will read the original resolution and then read the amendment.

The Clerk read as follows:

*Resolved*, That the Committee on Banking and Currency of the House of Representatives be, and is hereby, authorized to sit during the sessions of the House and during the recesses of the Sixty-third Congress and to employ such expert and other assistance as may be required in the transaction of its business, the expenditure for this purpose not to exceed the sum of \$5,000.

Add to the end of the resolution the following:

And to be paid out of the contingent fund of the House on the order of the Banking and Currency Committee, and evidenced by the indorsement of the chairman thereof and approved by the Committee on Accounts and evidenced by the indorsement of its chairman.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the resolution as amended.

The resolution as amended was agreed to.

#### TENTS FOR CONFEDERATE REUNION AT BRUNSWICK, GA.

Mr. FOWLER. Mr. Speaker, to-day when the gentleman from Georgia [Mr. HOWARD] asked unanimous consent for the present consideration of the resolution to supply one of the Confederate posts down in Georgia with tents and other things I offered an objection. Mr. Speaker, I can not afford to go on record offering an objection to any favor which may be conferred on the soldiers of this country, and I therefore withdraw my objection thereto and ask for the present consideration of that resolution.

The SPEAKER. The gentleman from Illinois withdraws his objection made to the resolution offered by the gentleman from Georgia [Mr. HOWARD] and asks for its present consideration.

#### JOINT COMMITTEE ON PRINTING.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to discharge the Committee on Accounts from the consideration of the following concurrent resolution, and ask for its immediate consideration.

The Clerk read as follows:

#### Senate concurrent resolution 2.

*Resolved by the Senate (the House of Representatives concurring)*, That the Joint Committee on Printing be, and hereby is, authorized to employ a stenographer, compensation at the rate of \$75 per month, to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House, until otherwise provided for.

Mr. FITZGERALD. Mr. Speaker, I reserve the point of order against the resolution.

Mr. MANN. It is a request for unanimous consent.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Accounts from further consideration of the resolution and consider the same at this time.

Mr. LLOYD. Mr. Speaker, in order to explain the necessity for this resolution I ask that the following letter from Senator FLETCHER, who is chairman of that joint committee, be read by the Clerk.

Mr. MANN. Mr. Speaker, I reserve the right to object.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

SENATE OF THE UNITED STATES,  
JOINT COMMITTEE ON PRINTING,  
June 3, 1913.

HON. JAMES T. LLOYD,  
Chairman Committee on Accounts,  
House of Representatives.

DEAR MR. LLOYD: I desire to call your attention to the inclosed resolution (S. Con. Res. 2) providing for a stenographer, at \$75 per month, for the Joint Committee on Printing. This resolution was introduced by me on behalf of the joint committee, and I most earnestly recommend its favorable consideration by your committee. The resolution was reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate and agreed to by the Senate on June 2, 1913 (CONGRESSIONAL RECORD, p. 2089).

The Joint Committee on Printing, as provided for by law (28 Stat. L. 601), consists of three Members of the Senate and three Members of the House. Its organization and duties are separate and distinct from those of the Committee on Printing of either House. The joint committee is, in fact, a board of directors for the Government Printing Office. Its principal duties, as prescribed by statute, are:

1. To fix upon standards of papers for the public printing and binding.
2. To receive bids and award contracts for the purchase of paper. (Under these contracts about \$1,250,000 worth of paper is bought annually.)
3. To authorize open-market purchases of paper.
4. To hear and decide appeals relating to paper.
5. To authorize purchases of machinery and equipment in excess of \$1,000 in any one instance.
6. To authorize contracts for illustrations in excess of \$1,200.

7. To supervise award of contracts for materials and supplies.
8. To authorize contracts for storage room for the Printing Office.
9. To control the arrangement and style of the CONGRESSIONAL RECORD and the indexing of the same.
10. To supervise the compilation of the Congressional Directory, memorial addresses, abridgment of messages and documents, and various other publications which Congress from time to time orders printed under the direction of the Joint Committee on Printing.
11. To supervise the publications of the Patent Office.
12. To supervise illustrations for the Agricultural Yearbook.
13. To issue orders for reprints within \$200 limit of cost.
14. To select bindings for extra copies and for congressional and library sets of public documents.
15. To regulate editions in which congressional documents shall be printed.
16. To determine charges against the congressional allotment for printing in certain cases.
17. To regulate the sale of stereotype plates.
18. To remedy any neglect or delay in the public printing and binding.

For a number of years up to last August the clerk of the joint committee was assisted in his work by an assistant secretary and a stenographer in the employ of the Printing Investigation Commission. Since the discontinuance of that commission the joint committee has had only one clerk to do its work. It is impossible to keep the work of the committee up to date without the assistance of a stenographer who should be capable of performing certain other clerical duties. The joint committee of necessity has its own office in the Capitol and is required to keep extensive records and files. The clerks of the Senate and House Committees on Printing have their own duties to perform and are not available for the work of the joint committee, which keeps its clerk busy in Washington throughout the entire year.

If you have any hesitation or doubt about the matter, I would thank you for an opportunity to submit additional argument. Thanking you for an early consideration of the resolution I beg to remain,

Very respectfully, yours,

DUNCAN U. FLETCHER, *Chairman.*

Mr. FITZGERALD. Mr. Speaker, I desire to inquire of the gentleman from Missouri if he knows just what help the Joint Committee on Printing has?

Mr. LLOYD. They have one clerk.

Mr. MANN. And what help the Senate and House Committees on Printing have?

Mr. LLOYD. Prior to the present time they have had a clerk, an assistant clerk, and a stenographer.

Mr. FITZGERALD. And Congress, in the investigation of conditions, eliminated these employees?

Mr. LLOYD. Eliminated the assistant clerk and the stenographer.

Mr. FITZGERALD. And now it is proposed to restore the stenographer and the clerk—to restore both?

Mr. LLOYD. Not both.

Mr. FITZGERALD. To restore one. Mr. Speaker, this matter is one which was very carefully investigated by the Committee on Appropriations in connection with the legislative bill.

A situation was disclosed which resulted in these positions being eliminated. I do not propose to discuss what the situation was, but the same men constituting a commission on printing, a Joint Committee on Printing, and two separate Committees of the House and Senate on Printing—the same individuals doing work that was so related that it had to be practically done by one organization—under the guise of these four different organizations, three, at least—

Mr. MANN. Two committees of the House and of the Senate—one Committee on Printing and a joint commission.

Mr. FITZGERALD. Under each one of these different guises obtained clerical assistance, claimed to be rendered necessary. Regardless of the merits of this proposition, which I do not care to discuss at this time, I have never known of an attempt being made to fasten a charge upon the contingent fund of the House by resolution requiring the concurrent action of the Senate, and I am not willing that we should initiate such a thing at this time, even if we can do so.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman recall any instance where the House out of its contingent fund has paid an employee named by a distinguished Member of the Senate, or vice versa?

Mr. FITZGERALD. No.

Mr. MANN. Of course there can only be one stenographer. He will be named by either the House Committee on Printing or the Senate Committee on Printing, and in either case they are calling upon the contingent fund of the other body to pay the salary.

Mr. LLOYD. This joint committee, as I understand it, is a committee composed of members of both Houses, three from each. I do not know, of course, whether this stenographer which is claimed to be necessary will be selected by the House members or by the Senate members.

Mr. FITZGERALD. Mr. Speaker, in view of what transpired in the past, after careful investigation of the committee of the two Houses, we were unwilling to continue the employees that had been provided by Congress for this joint committee.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is the gentleman from Missouri able to say to the House now what employees the House Committee on Printing has and what employees the Senate Committee on Printing has?

Mr. LLOYD. The House Committee on Printing has that which they are authorized to have under the concurrent law.

Mr. MANN. What are they?

Mr. LLOYD. Just at this moment I can not answer; I know they have at least a clerk.

Mr. MANN. A clerk and a janitor, and the Senate committee has a clerk, an assistant clerk, and a janitor. Now, what duties does the House Committee on Printing have apart from the duties of the Joint Committee on Printing?

Mr. LLOYD. Mr. Speaker, as I understand the matter, the House Committee on Printing is a distinct organization of the House. There is a Senate committee that is a distinct organization of the Senate, and then there is a joint committee, which is composed of the committee of the House and the committee of the Senate, and that makes the joint committee. Now, whether they do business separately or not I am not in a position to say; I do not know.

Mr. MANN. Well, the House Committee on Printing and the Senate Committee on Printing combined constitute the Joint Committee on Printing.

Mr. LLOYD. That is right.

Mr. MANN. The House Committee on Printing reports on resolutions concerning the printing of documents occasionally, and has some work in that connection. The Senate committee does the same thing. Those are all the individual duties that they have to perform. The rules only provide for the standing Joint Committee on Printing, to consist of three members. The only provision under the rules for the House committee at all is the joint committee. Now, as a matter of fact, three members on the part of the House joint committee act separately on resolutions relating to printing that are reported to the House, and it is idle to say that the employees of the House Committee on Printing, the House joint committee, and the Senate joint committee are not supposed to do the work of the joint committee. That is what they are there for.

The SPEAKER. Is there objection?

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects.

LOANING CERTAIN TENTS FOR THE USE OF THE CONFEDERATE VETERANS' REUNION, BRUNSWICK, GA.

The SPEAKER. The Chair lays before the House House joint resolution 98, which the gentleman from Georgia [Mr. WALKER] introduced, which the gentleman from Georgia [Mr. HOWARD] called up, and to which the gentleman from Illinois [Mr. FOWLER] objected; and he having withdrawn his objection, it is called up on motion of the gentleman from Illinois [Mr. FOWLER], who asks unanimous consent for its immediate consideration. The Clerk will report the joint resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

*Resolved, etc.* That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in the month of July, 1913, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and J. G. Weatherly, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said J. G. Weatherly a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The Clerk read the following committee amendment:

Page 1, line 7, after the word "pins," insert the words "and also such cots and blankets."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask any member of the Committee on Military Affairs here whether the inclusion of the words "cots and blankets" is a new proposition, or whether it has been customary in the past to provide them along with the tents? I should dislike to see Congress go any further in reference to the loan of tents.

The SPEAKER. The gentleman from Georgia [Mr. HUGHES] is a member of the Committee on Military Affairs. He has just come in the Hall and probably knows.

Mr. HUGHES of Georgia. I am not now a member of that committee, Mr. Speaker.

Mr. MANN. Mr. Speaker, I shall not object, but I say if this is an innovation with reference to the loan of blankets, I think the next time the matter comes up on a request for unanimous consent objection will be made to it.

The SPEAKER. Is there objection?

Mr. CALLAWAY. Mr. Speaker, reserving the right to object, a number of these resolutions have passed through since I have been a Member of the House without this amendment. If the gentleman from Illinois will offer the resolution without that amendment in reference to cots and blankets, I shall not object. I do object to the cots and blankets business, because I think it is an innovation.

Mr. HARDWICK. What is the objection to it? There is nothing wrong in it.

Mr. CALLAWAY. Oh, I think there is—

The SPEAKER. The gentleman from Texas serves notice on the gentleman from Illinois that unless he leaves the amendment out he will object.

Mr. MANN. I suggest to the gentleman from Texas that my colleague from Illinois calls this matter up as a matter of courtesy, without having charge of the resolution in the way of being reported, and he can not make any agreement very well in reference to it. The committee amendment could be voted down or adopted. I do not see how anybody could make any agreement about this.

The SPEAKER. The amendment would have to be voted down to comply with the demand of the gentleman from Texas [Mr. CALLAWAY]. Of course, it would be necessary to have the unanimous consent first. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

#### GETTYSBURG REUNION.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution introduced by the gentleman from Illinois [Mr. FOWLER], relative to the payment of the expenses of certain soldiers to the celebration at Gettysburg on July 4, 1913.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution appropriating \$4,000 to defray traveling expenses of soldiers of the Civil War, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return.

Resolved, etc., That to defray the traveling expenses of all honorably discharged soldiers of the Civil War and of all soldiers of the Confederate armies who rendered honorable service therein, now residing in the District of Columbia, from Washington, D. C., to Gettysburg, Pa., and return, to enable such soldiers to attend the celebration of the fiftieth anniversary of the Battle of Gettysburg, to be held at Gettysburg July 1, 2, 3, and 4, 1913, there is appropriated, one-half out of any money in the Treasury not otherwise appropriated and one-half out of the revenues of the District of Columbia, the sum of \$4,000, or so much thereof as may be necessary.

That such appropriation shall be expended by a commission consisting of the Secretary of War; Col. Thomas S. Hopkins, past commander of the Grand Army of the Republic, Department of the Potomac; and Capt. D. B. Mull, ex-commander of the United Confederate Veterans, of a post in Georgia, residents of the District of Columbia.

That said commission is authorized to adopt such rules for the determination of the persons entitled to transportation hereunder as they may deem proper.

The SPEAKER. Is there objection?

Mr. CALLAWAY. I object.

Mr. FOWLER. Mr. Speaker, I trust the gentleman will withhold his objection for a couple of minutes.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] requests the gentleman from Texas to withhold his objection for a couple of minutes.

Mr. CALLAWAY. I can not do that.

#### ADJOURNMENT.

Mr. FOWLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until Friday, June 27, 1913, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, submitting a schedule of useless papers in the Treasury Department (H. Doc. No. 104), was taken from the Speaker's table, referred to the Committee on Disposition of Useless Executive Papers, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the clerk, and referred to the several calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913, reported the same without amendment, accompanied by a report (No. 25), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 98) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913, reported the same with an amendment, accompanied by a report (No. 26), which said joint resolution and report were ordered to be printed.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913, reported the same without amendment, accompanied by a report (No. 27), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 32) to provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania, reported the same with the amendments of the Senate, accompanied by a report (No. 29), which said bill and report were referred to the Union Calendar.

He also, from the same committee, to which was referred the bill (H. R. 6141) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, reported the same with amendment, accompanied by a report (No. 30), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 6433) to relocate the headquarters of the customs district of Florida; to the Committee on Ways and Means.

By Mr. HUGHES of Georgia: A bill (H. R. 6434) providing \$30 per month as expenses for rural letter carriers and granting them 30 days' leave per annum; to the Committee on the Post Office and Post Roads.

By Mr. MILLER: A bill (H. R. 6435) to amend an act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce"; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: A bill (H. R. 6436) to amend section 4 of the act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893; to the Committee on Interstate and Foreign Commerce.

By Mr. TREADWAY: A bill (H. R. 6437) appropriating money for the improvement of the Connecticut River between Hartford, Conn., and Holyoke, Mass.; to the Committee on Rivers and Harbors.

By Mr. CRISP: A bill (H. R. 6438) to provide additional compensation to letter carriers of the Rural Delivery Service for the maintenance and upkeep of horses and vehicles used in the discharge of their official duties; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: A bill (H. R. 6439) to amend sections 1 and 2 of the act of March 3, 1905, providing for judges in the northern district of Illinois; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 6440) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; to the Committee on Immigration and Naturalization.

By Mr. ADAMSON: A bill (H. R. 6441) to provide for recognizing the services of certain members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion and retirement, and for other purposes; to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 6442) to erect a monument over the grave of Col. Benjamin Hawkins, located in Crawford County, Ga.; to the Committee on the Library.

By Mr. BELL of Georgia: A bill (H. R. 6443) to establish in the Department of Agriculture a bureau to be known as the bureau of public highways, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 6444) for the relief of the State of Georgia; to the Committee on War Claims.

Also, a bill (H. R. 6445) authorizing the erection of a post-office building at Jefferson, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6446) authorizing the erection of a post-office building at Toccoa, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6447) to establish a fish hatchery and fish station in the ninth congressional district of Georgia; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 6448) authorizing the erection of a post-office building at Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6449) authorizing the erection of a post-office building at Winder, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6450) authorizing the erection of a post-office building at Commerce, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6451) authorizing the erection of a post-office building at Buford, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KIRKPATRICK: A bill (H. R. 6452) to authorize the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. POST (by request): A bill (H. R. 6453) to authorize the adjustment of the accounts of Army officers in certain cases, and for other purposes; to the Committee on Claims.

By Mr. GLASS: A bill (H. R. 6454) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. WALSH: Resolution (H. Res. 187) authorizing and directing the Speaker of the House of Representatives to appoint a committee to investigate the possibility and advisability of installing in the House of Representatives a practical electrical and mechanical system of voting; to the Committee on Rules.

By Mr. RUCKER: Resolution (H. Res. 188) to authorize the chairman of the Committee on Election of President, Vice President, and Representatives in Congress to appoint a clerk to said committee; to the Committee on Accounts.

By Mr. ADAMSON: Resolution (H. Res. 189) to make in order legislation to abolish the Commerce Court and to provide for its jurisdiction; to the Committee on Rules.

By Mr. HAY: Joint resolution (H. J. Res. 102) authorizing the Secretary of War to receive for instruction at the United States Military Academy, at West Point, Mirza Mohammed Ali Khan, of Persia; to the Committee on Military Affairs.

By Mr. MAPES: Memorial of the Legislature of Michigan, favoring the calling of a convention to propose an amendment to the Constitution of the United States prohibiting polygamy; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 6455) granting a pension to Willard A. Farmer; to the Committee on Pensions.

Also, a bill (H. R. 6456) granting a pension to Sarah Ann Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6457) granting a pension to F. A. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6458) granting a pension to Louisa L. Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6459) granting an increase of pension to George R. Huntly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6460) granting an increase of pension to Henry H. Kellogg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6461) granting an increase of pension to Minot Stebbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6462) granting an increase of pension to Charles Schlamburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6463) for the relief of Charles J. Callahan; to the Committee on Military Affairs.

Also, a bill (H. R. 6464) for the relief of Charles R. Grant; to the Committee on Military Affairs.

Also, a bill (H. R. 6465) to correct the military record of Edward R. Vanderslice; to the Committee on Military Affairs.

Also, a bill (H. R. 6466) to correct the military record of W. S. Krake; to the Committee on Military Affairs.

Also, a bill (H. R. 6467) to correct the military record of Benjamin F. Lovett; to the Committee on Military Affairs.

Also, a bill (H. R. 6468) to correct the military record of Walter N. Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 6469) to correct the military record of Robert J. Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 6470) to correct the military record of John C. Springer; to the Committee on Military Affairs.

Also, a bill (H. R. 6471) to remove the charge of desertion against Adam B. Ackerman; to the Committee on Military Affairs.

Also, a bill (H. R. 6472) to correct the military record of Charles Sloat; to the Committee on Military Affairs.

Also, a bill (H. R. 6473) to amend the muster roll of Company B, Ninth Regiment Pennsylvania Volunteers, so as to include the name of William C. Armstrong thereon; to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 6474) to waive the age limit for admission to the Pay Corps of the United States Navy in the case of Rufus B. Langsford; to the Committee on Naval Affairs.

By Mr. TRIBBLE: A bill (H. R. 6475) granting a pension to Robert Wilson; to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 6476) granting a pension to William S. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 6477) granting a pension to Toliver W. Corn; to the Committee on Pensions.

Also, a bill (H. R. 6478) granting a pension to James N. Parker; to the Committee on Pensions.

Also, a bill (H. R. 6479) granting a pension to William A. Senkbeil; to the Committee on Pensions.

Also, a bill (H. R. 6480) granting a pension to William J. Shedd; to the Committee on Pensions.

Also, a bill (H. R. 6481) granting a pension to Swinfield Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6482) granting a pension to Willis S. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6483) granting a pension to Eliza A. Woody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6484) granting a pension to Sanford A. Pinyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6485) granting a pension to Pinckney P. Chastain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6486) granting an increase of pension to Susan M. Lampkin; to the Committee on Pensions.

Also, a bill (H. R. 6487) granting an increase of pension to Robert C. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 6488) for the relief of Joseph M. Davis; to the Committee on War Claims.

Also, a bill (H. R. 6489) for the relief of Mrs. F. E. Chandler; to the Committee on War Claims.

Also, a bill (H. R. 6490) for the relief of William J. Cochran; to the Committee on War Claims.

Also, a bill (H. R. 6491) for the relief of Steven Pittman; to the Committee on Military Affairs.

Also, a bill (H. R. 6492) for the relief of Julius Pickett; to the Committee on War Claims.

Also, a bill (H. R. 6493) for the relief of the heirs of W. W. Fleming; to the Committee on War Claims.

Also, a bill (H. R. 6494) for the relief of the heirs of John B. Graham; to the Committee on Claims.

By Mr. HOWARD: A bill (H. R. 6495) for the relief of the heirs of William Woods; to the Committee on Claims.

By Mr. BELL of Georgia: A bill (H. R. 6496) to correct the relative rank of Lieut. Frederick S. L. Price, Fourteenth Regiment of Infantry, United States Army; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 6497) for the relief of the estate of Robert Dinkins; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 6498) granting an increase of pension to John M. Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6499) for the relief of Andrew Gaffney; to the Committee on Military Affairs.

By Mr. CLANCY: A bill (H. R. 6500) for the relief of Augusta G. Evans; to the Committee on Military Affairs.

Also, a bill (H. R. 6501) granting a pension to George A. Ryan; to the Committee on Pensions.

Also, a bill (H. R. 6502) granting an increase of pension to Robert F. Thorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6503) granting an increase of pension to William Duffus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6504) granting an increase of pension to Peter Dowdle; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 6505) granting an increase of pension to Thomas Hayes; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 6506) for the relief of James T. McKenney; to the Committee on Claims.

By Mr. DALE: A bill (H. R. 6507) granting a pension to Mary McBride; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 6508) for the relief of Joseph B. Riley, alias Thomas B. Keesy; to the Committee on Military Affairs.

By Mr. FARR: A bill (H. R. 6509) granting an increase of pension to Walter S. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6510) granting an increase of pension to Sylvester Knapp; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 6511) granting an increase of pension to John W. Scott; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 6512) granting a pension to Alicia J. Flynn; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 6513) granting an increase of pension to Zylpha Raymond; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 6514) granting an increase of pension to James Herman; to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 6515) for the relief of John Farrell; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 6516) granting an increase of pension to Sarah A. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6517) granting an increase of pension to Regina Allison; to the Committee on Invalid Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 6518) granting an increase of pension to Calvin C. Hussey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6519) granting an increase of pension to Adeline M. Hannaford; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 6520) to correct pension certificate No. 678122, issued by the Commissioner of Pensions on the 1st day of April, A. D. 1909, to Margaret Barron, as guardian of Mary W. Barron, a minor child of Mahlon Barron, deceased, late of Company I, One hundred and fifty-seventh Regiment New York Volunteer Infantry, entitling said minor child to a pension under the act of June 27, A. D. 1890, until it attained the age of 16 years, beginning on the 17th day of August, A. D. 1908, so as to entitle the said child to such pension beginning on the 22d day of July, A. D. 1907; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 6521) granting an increase of pension to Alonzo Dyke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6522) granting an increase of pension to W. H. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6523) granting an increase of pension to Catherine Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6524) granting an increase of pension to Henry Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6525) to reimburse Martha A. Walker for the loss of certain property; to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 6526) granting a pension to Robert A. Talbott; to the Committee on Pensions.

Also, a bill (H. R. 6527) granting an increase of pension to Robert Layman; to the Committee on Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6528) granting an increase of pension to Polly Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6529) granting an increase of pension to Nellie C. Downs; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 6530) for the relief of Michael F. O'Hare; to the Committee on Claims.

Also, a bill (H. R. 6531) for the relief of Paul Butler; to the Committee on Claims.

By Mr. SHARP: A bill (H. R. 6532) granting a pension to Susan E. Nash; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 6533) granting a pension to Emma Ewing; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of stockholding employees of the United States Steel Corporation and subsidiary companies, protesting against the passage of legislation for the dissolution of the United States Steel Co.; to the Committee on the Judiciary.

By Mr. BEALL of Texas: Petition of the Texas Bankers' Association, Galveston, Tex., favoring the passage of the Newlands bill for the Government to control the waters of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Robert Dinkins; to the Committee on War Claims.

By Mr. DYER: Petition of the Stinwinder Wine Co. and the Missouri Wholesale Liquor Dealers' Association, of St. Louis, Mo., protesting against the passage of the sweet-wine bill; to the Committee on Ways and Means.

By Mr. HAWLEY: Petition of the First National Bank of Corvallis, Oreg., relative to certain changes in the monetary system; to the Committee on Banking and Currency.

By Mr. HINDS: Petition of J. and C. Gray, P. E. Priest, and W. H. Soper, committee of the business men of Colon, Me., favoring a duty on paper and asking for the repeal of that part of the Canadian reciprocity act which admits paper free of duty; to the Committee on Ways and Means.

By Mr. KEISTER. Petitions of 146 stockholding employees of the Buckeye Mine, 262 of the Southwest No. 3 Mine, 101 of the Central Mine, 386 of Baggaley Mine, 295 of the Hecla No. 2 Mine, 261 of the Alverton Mine, 175 of the Dorothy Mine, 660 of the Standard Mine, 190 of the Scotdale Mine, 304 of the United Mine, 302 of the Southwest No. 1 Mine, 277 of the Marguerite Mine, 251 of the Calumet Mine, 253 of the Brinkerton Mine, 88 of the Mammoth Mine, 112 of the Mutual Mine, 448 of the Hecla Nos. 1 and 3 Mines, 53 of the Southwest No. 2 Mine, all of the H. C. Frick Coke Co.; 365 of the Whitney Mine and 344 of the Hostetter Mine, of the Hostetter-Connellsville Coke Co., protesting against a dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the board of governors of the Commercial Club of Salt Lake City, favoring providing adequate quarters for our foreign representatives; to the Committee on Foreign Affairs.

By Mr. LEVY: Petition of sundry citizens of Turlock, Cal., protesting against the passage of any legislation for the diversion of the waters of the watershed of the Tuolumne River; to the Committee on Irrigation of Arid Lands.

Also, petition of D. Boosing, Buffalo, N. Y., favoring the passage of a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Charles D. Boyles, vice president of the Hoboken Shore Road, Hoboken, N. J., favoring the passage of House bill 1723, for the purpose of improving the Consular Service; to the Committee on Foreign Affairs.

By Mr. SMITH of Idaho: Petition of the city council of Boise City, Idaho, favoring the passage of legislation granting to Boise City the Boise Barracks for park and other benevolent purposes; to the Committee on Military Affairs.

By Mr. WILLIS: Petition of the National Eclectic Medical Association, protesting against the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

#### SENATE.

FRIDAY, June 27, 1913.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. STONE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1966. An act to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909;

H. R. 6282. An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon